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ORDINANCES

PASSED BY THE

CONSTITUTIONAL CONVENTION,

AT AUSTIN, TEXAS, JUNE 1, 1868

AUSTIN:
TRACY, SIEMERING & CO., PRINTERS.
1870.

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ORDINANCES.

DECLARATION

Fixing the per diem pay of Members and Officers of the Convention.

SECTION 1. Be it declared by the delegates of the people of the State of Texas in Convention assembled, That the members and officers (not to include messengers and porters) of said Convention, shall receive from the State Treasury, as a compensation for their services, the sum of eight dollars per day; and the members likewise eight dollars for every twenty-five miles travel coming to and going from the Convention, and the messengers and porters the sum of four dollars per day.

SEC. 2. Be it further declared, That the sum of one hundred and twenty-five thousand dollars, or so much thereof as shall be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the mileage and per diem aforesaid.

SEC. 3. Be it further declared, That the certificate of the Secretary of the Convention will be sufficient to authorize the Comptroller to draw upon the Treasurer for such sums as may be due the members and officers aforesaid, and that this declaration take effect from its passage.

Passed June 8, 1868.

RESOLUTION

Urging Congress to transfer certain powers from the Military Commander of the Fifth Military District to this Convention.

Resolved, 1. That in the opinion of this Convention, it is necessary in the State, to a fair administration of the laws of Congress upon the subject of the Reconstruction of the States lately in rebellion, to so change the provisions of said laws as to transfer from the Com-

mander of the Fifth Military District to this Convention, the power and authority to appoint and to remove Registrars, for ascertaining and recording the qualified voters of the State of Texas.

Resolved, 2. That the Convention respectfully, but earnestly, urge upon the Congress of the United States the change indicated in the preceding resolution, at the earliest practical moment.

Resolved, 3. That the President of this Convention transmit to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, copies of these resolutions.

Passed June 8, 1868.

RESOLUTION

For the furnishing of Paschal's Digest of the Laws of Texas to Committees, and opening the State Library to Members of the Convention.

Resolved, 1. That the Provisional Secretary of State is hereby respectfully requested to furnish the Chairman of each standing Committee, for the use of his committee, one copy of "Paschal's Annotated Digest of the Laws of Texas;" the same to be returned to the State Library on the adjournment of this Convention.

2. That the same officer is hereby respectfully requested to direct the State Librarian to open the State Library to the members of this Convention at all reasonable hours.

Passed June 8, 1868.

RESOLUTION

On printing two hundred copies of the Reconstruction Laws of Congress.

Resolved, That the Committee on Printing be hereby authorized and instructed to contract for, and have printed as speedily as practicable, two hundred copies of the Reconstruction Laws of Congress, for the use of the members of this body, and that said committee report, etc.

Passed June 8, 1868.

RESOLUTION

For the purchase of five hundred copies of Paschal's Annotated Constitution of the United States.

Resolved, That the Secretary be authorized to purchase for the use of the members of this Convention, and for the use of the State and future Legislatures, one hundred and fifty copies of "Paschal's Annotated Constitution of the United States," and upon his certificate appended to the proper voucher, the Comptroller be required to draw his warrant upon the Treasurer for the amount necessary to cover the said purchase. Provided, however, that not more than one dollar and eighty cents per copy shall be paid therefor.

Passed June 8, 1868.

RESOLUTION

For Special Committee to examine the administration and financial condition of the State Penitentiary.

Resolved, That the President of this Convention appoint a special committee of five to investigate the administration of the financial affairs of the State Penitentiary, since August, 1866, and that they report the same, showing the difference, if any, between the assets at the date referred to and the present time; and that said committee have power to take testimony and to send for persons, records and papers.

Passed June 10, 1868.

RESOLUTION

Authorizing the Secretary to order two thousand copies of the Austin Daily Republican, five hundred copies of the Tri-Weekly Free Press, and four hundred copies of the San Antonio Daily Express, for the use of the Members of this Convention.

Resolved, That the Secretary of this Convention order two thousand copies of the Daily Republican, of Austin, at five cents per copy; five hundred copies of the Tri-Weekly Free Press, of San

Antonio; and four hundred copies of the San Antonio Daily Express, for the use of the members of this Convention. Provided, That these papers shall publish the journals of this Convention, and that the price of the two last named papers shall not exceed eight cents per copy.

Passed June 11, 1868.

RESOLUTION

Dispensing with the reading of the Report of the Superintendent of Education.

Resolved, That the reading of the report of the Superintendent of Education be dispensed with; that the same be referred to the Committee on Education; and that the Committee on Printing be directed to contract for the printing of five hundred copies of the same for the use of this body.

Passed June 11, 1868.

RESOLUTION

Permitting certain officers herein named to occupy seats upon the floor of the House.

Resolved, 1. That the Commanding General District of Texas, the Governor and Judges of the Supreme and District Courts, have the privilege of the floor of the Convention Hall within the bar.

2. That any member shall have the privilege of inviting a friend to a seat within the bar of the Hall.

Passed June 11, 1868.

RESOLUTION

Tendering thanks to F. Flake, Esq., Editor of Galveston Bulletin.

WHEREAS, F. Flake, Esq., editor and proprietor of Flake's Daily Galveston Bulletin, has kindly proposed to furnish, gratis, the members of this Convention with copies of his excellent newspaper during the session of this Convention, therefore be it

Resolved, That the thanks of the members of this Convention be, and they are hereby respectfully tendered to Mr. Flake, that his kind proposition is accepted, and that we assure him that the same is duly appreciated.

Passed June 11, 1868.

RESOLUTION

Declaring that the Committee on Penitentiary, or any one or more of them, may proceed to Huntsville to perform their duties.

SUBSTITUTE.

Resolved, That the Committee to examine the Penitentiary of the State, or any one or more of the members thereof, at their discretion, be and they are hereby authorized to proceed to Huntsville, to carry into effect the orders of this Convention, and that they be authorized to employ an accountant to aid them in their investigations, at a price not to exceed eight dollars per diem.

Passed June 15, 1868.

RESOLUTION

Empowering the Committee on Political or Legislative Department to employ a clerk.

Resolved, That the Committee on Political or Legislative Department be empowered to employ a clerk at a compensation of four dollars per diem, provided that said clerk be employed on any other committee that needs his services, when not employed on Committee on Political or Legislative Department.

Passed June 15, 1868.

PREAMBLE AND RESOLUTIONS

Urging upon the Congress of the United States the necessity of appointing a force in each county for the Suppression of Lawlessness and Violence.

PREAMBLE.

WHEREAS, Lawlessness and crime exists to such an alarming ex-

tent in portions of this State, it is deemed proper to do all in the power of this Convention to protect life and property, and for the suppression of crime; therefore

Resolved, 1. That this Convention respectfully urge upon the Congress of the United States the necessity of authorizing the organization by this body of a militia force in the several counties in this State, to act in conjunction with and under the direction of the Military Commander therein, for the protection of the lives and property of the citizens now every day being preyed upon by assassins and robbers to an extent unparalleled in the history of civilized communities in times of peace; and which, if not speedily arrested, must result in the destruction of social order.

Resolved, 2. That if protection is not speedily provided in some form by the National Government to the loyal and law-abiding citizens of Texas, they will be compelled, in the exercise of the sacred right of self-defense, to organize for their own protection.

Resolved, 3. That this Convention have full confidence in Brevet Major General J. J. Reynolds, Commander of the District of Texas, and that to the extent of the means placed at his disposal he will give protection and preserve peace.

Resolved, 4. That the President of this Convention be requested to forward by telegraph, at expense of Contingent fund of the Convention, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, copies of these resolutions.

Passed June 15. 1868.

RESOLUTION

Authorizing the Committee on Penitentiary to inquire into the Laws under which Convicts are held.

Resolved, That the Committee appointed to investigate the financial condition of the State Penitentiary be, and are hereby authorized to inquire into and ascertain the cause for which each convict was committed, and for what length of time.

Passed June 16, 1868.

DECLARATION

Amendatory of a Declaration appropriating one hundred and twenty-five thousand dollars for the pay of Members of the Convention and Officers.

SECTION 1. Be it declared by the delegates of the people of Texas in Convention assembled, That the caption of said declaration, of which this is amendatory, shall be and the same is hereby so amended as to read: "A declaration making an appropriation for the per diem pay and mileage of the members and per diem pay of the officers of the Convention, and for the printing and contingent expenses of the Convention."

SEC. 2. Be it further declared, That section second of the declaration, of which this is amendatory, shall hereafter read and be as follows: "That the sum of one hundred and twenty-five thousand dollars, or so much thereof as shall be necessary, is hereby appropriated out of any moneys in the Treasury, not otherwise appropriated, to pay the mileage and per diem aforesaid, and the printing and contingent expenses of the Convention.

Passed June 17, 1868.

RESOLUTION

Requesting the Commanding General to approve the appropriation of one hundred and twenty-five thousand dollars to defray expenses of Convention.

Be it resolved, 1. That the Commanding General of the Fifth Military District be, and he is hereby requested to approve the action of this Convention by his order appropriating the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be necessary, from the Treasury of the State of Texas, to defray the expenses of this Convention.

Passed June 17, 1868.

RESOLUTION

Authorizing the publication of the Debates of the Convention.

Resolved, That the Committee on Printing be instructed to

contract with the Austin Republican for the publication of the debates of this Convention in the two thousand copies of that paper, already subscribed to, provided the charge shall not exceed eight cents per copy.

Passed June 17, 1868.

RESOLUTION

Instructing Engrossing and Enrolling Clerks, when not engaged in the duties of their positions, to assist the Secretary.

Resolved, That the Enrolling and Engrossing Clerks of the Convention, when not engaged in the discharge of the regular duties of their respective offices, shall be employed as Assistant Secretaries, under the direction of the chief Secretary.

Passed June 17, 1868.

RESOLUTION

Ordering the printing of four hundred copies of the Report of Wm. Alexander, Esq., late Attorney General of Texas.

Resolved, That the Secretary be instructed to procure the report made by Wm. Alexander, while Attorney General to the Governor of the State, and that four hundred copies of the same be printed for the use of this Convention.

Passed June 18, 1868.

RESOLUTION

Defining the Powers of this Convention.

SUBSTITUTE.

Resolved, 1. That this Convention is assembled by the authority of and in obedience to the laws of the United States.

2. That this Convention possesses the power to frame a constitution and civil government for Texas; and that it is a question alone

for the Convention to determine, what ordinances, declarations and resolutions are necessary and proper to carry out the expressed will of Congress.

Passed June 22, 1868.

RESOLUTION

Appropriating twenty-five thousand dollars, or so much thereof as may be necessary for the apprehension of desperadoes.

WHEREAS, There exists all over the State of Texas a class of desperadoes engaged in theft, murder and robbery; and, whereas, it becomes of the greatest importance that such desperadoes be arrested and brought to justice, be it, therefore, declared that

1. That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated; and that the same be placed at the disposition of the Governor of Texas, to enable him to offer suitable rewards for the arrest and apprehension of such desperadoes, and to employ detectives to ferrit out their hiding places; and that this resolution be forwarded to the Commanding General of the Fifth Military District for approval.

Provided, That no part of the same shall be used unless the Military Commander of the District of Texas shall first be authorized to organize military commissions for the trial of offenders.

Passed June 2, 1868.

RESOLUTION

Amending the rules governing the Convention, so that a simple Resolution or Resolutions relating to the government of the Convention may be disposed of upon a vote at first reading.

Resolved, That the following rule will be adopted, in addition to the rules already adopted for the government of the proceedings of this Convention:

That a simple resolution which only affects the personal rights or privileges of individual members of the Convention, or Resolutions relating solely to the internal government of the Houses, or relating

to the printing of documents which have been read in the Convention, may be disposed of by a vote on the first reading.

Resolved, further, That this rule be inserted among the general rules of the Convention, after the 24th section thereof.

Passed June 22, 1868.

RESOLUTION

Appropriating the sum of two hundred dollars to frame the portrait of General Sam. Houston.

SECTION 1. Be it Resolved, That the Executive, E. M. Pease, be requested to procure a suitable frame to contain the portrait of the great father and statesman of Texas, General Sam. Houston.

SEC. 2. And that the sum of two hundred dollars is hereby appropriated to carry out this resolution.

SEC. 3. That the certificate of his Excellency E. M. Pease shall be a sufficient voucher to authorize the Comptroller to draw his warrant upon the Treasurer for the amount of the costs of framing said portrait.

Passed June 25, 1868.

RESOLUTION

Appropriating fifteen thousand dollars for the payment of the Civil Officers of the State appointed by Provisional Governor A. J. Hamilton.

Resolved, That the sum of fifteen thousand dollars, or so much thereof as may be sufficient, be, and the same is hereby appropriated to pay the unsettled balance due the Civil Officers of this State, appointed by Governor A. J. Hamilton; and that this resolution be forwarded by the President of the Convention, to Major General Buchanan, asking his approval of the same.

Passed June 23, 1868.

RESOLUTION

Suspending the sale by Police Courts of School Lands.

Be it Declared by the People of Texas in Convention assembled, That the sale of the School Lands by the Police Courts of the several counties of the State, as authorized by the act of the Legislature, approved November 1, 1866, is hereby suspended until some definite policy in reference thereto shall be established, in the re-organization of civil Government in the State: and that all sales that have been made under said law are null and void.

Be it further Declared by the Convention, That 150 copies of this Declaration be printed; and upon its adoption by the Convention, the Secretary transmit a copy thereof to the County Judge of each county in the State, for his guidance and direction.

Passed June 30, 1868.

RESOLUTION

Requesting Major-General J. J. Reynolds to cause to be estimated the Receipts in the Treasury and the Expenditures therefrom for the year ending 1st July, 1869, &c.

Resolved, That Brevet Major General J. J. Reynolds, Commanding District of Texas be, and he is respectfully requested to cause the proper accounting officer of the Civil Provisional Government to furnish for the information of this Convention, complete estimates of the probable receipts into the Treasury and expenditures therefrom, for the year ending 1st July, 1869, noting the appropriation made by the Commanding General of the Fifth Military District, by request of his Excellency the Governor, and of this Convention, in addition to those made by the Legislature of 1866.

Passed July 1, 1868.

RESOLUTION

Appropriating four hundred dollars to pay the Expenses of Committee appointed to investigate the affairs of the Penitentiary.

Be it Declared, That the sum of four hundred dollars be, and the same is hereby appropriated out of the Contingent Fund of the

Convention, to pay the expenses of the Committee to investigate the State Penitentiary, travelling expenses, expenses of witnesses, &c.

Passed July 2, 1868.

RESOLUTION

Requesting Major General J. J. Reynolds to cause the Comptroller of Public Accounts to furnish statements as herein specified.

Resolved, That Brevet Major General J. J. Reynolds, commanding the District of Texas be, and is hereby respectfully requested to cause the Comptroller of Public Accounts of Texas to prepare and transmit for the use of this Convention, the following statements and information, to wit:

1. Statement showing the assessment of taxes in each county in the State for the year 1867.
2. Estimate of costs of collection of taxes, under existing laws.
3. Amount collected upon assessment for 1867.
4. Statement of the different accounts, showing the receipts from the 4th September, 1867, and the balances in the different kinds of funds standing as credit of each account on 31st May, 1868.
5. Statement of warrants drawn by the Comptroller upon the Treasurer during the period commencing September 4, 1867, ending with 31st May, 1868.
6. Statement of public debt.
7. Reports of Railway Companies made to Comptroller under act of February 7, 1853.
8. Statement showing the present indebtedness of each Railroad Company to the State, and also what amount of interest has been paid; when, in what kind of funds paid, and amount remaining unpaid.
9. Statement of amounts paid for Asylum, from the establishment to the 1st June, 1868, and in what kind of funds paid.
10. Statements of amounts paid for Penitentiary, from its establishment to 1st June, 1868; in what kind of funds paid.

Statement showing the amount and character of funds paid for School Lands during the existence of the rebellion.

Passed July 3, 1868.

RESOLUTION

Providing for selecting Messrs. M. C. Hamilton and C. Caldwell to proceed to Washington, and lay before Congress certain matters herein specified.

Resolved, That this Convention selects Messrs. M. C. Hamilton and C. Caldwell, members of this body, as a committee, with instructions to proceed to Washington without delay, and lay before Congress the condition of lawlessness and violence prevalent in this State, and urge the immediate necessity for action on the following matters:

First. The adoption of some law or regulation that will secure the filling of all provisional State offices with competent and loyal incumbents.

Second. The organization of a loyal militia, to be placed under the direction and control of the loyal Provisional authorities of Texas.

Third. The appointment by this Convention of Registrars of voters previous to the coming election.

Fourth. Such other matters as may be referred to the action of Congress by this Convention.

Resolved, 2. That the sum of eight hundred dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any funds at the disposition of this Convention, to pay the expenses of travel of said Committee in going to and returning from Washington.

Passed July 6, 1868.

DECLARATION,

Providing that no bond shall be required of the State in any suit now pending, or which may hereafter be instituted.

Be it declared by the Delegates of the people of Texas in Convention assembled, That no bond shall be required of the State in any suit now pending, or which may hereafter be instituted, to which the State may be a party, as a condition for the issuance of any writ to which the State may be otherwise entitled; and that this declaration take effect and be in force from and after the passage, until the adoption of some Constitutional provision regulating and controlling the subject.

Passed July 6, 1868.

RESOLUTION

Ordering one thousand copies of the Austin Daily Republican, at eight cents per number, and five hundred copies of the San Antonio Free Press, at seven cents per number, and discontinuing other papers.

Resolved, That the Secretary be instructed to discontinue all newspapers heretofore ordered for the use of this Convention, except one thousand copies of the Austin Daily Republican, at eight cents per number, and five hundred copies of the San Antonio tri-weekly Free Press, at seven cents per number, which he is authorized to continue; and, if these papers be continued, they publish the journals of the Convention.

Passed July 10, 1868.

RESOLUTION

Requesting the arrest of one C. C. Gillespie, Editor of Houston Telegraph, for advising the assassination of Morgan C. Hamilton and C. Caldwell.

Resolved, That Brevet Major General Reynolds be requested to arrest one C. C. Gillespie, the editor of a paper purporting to be the Daily Telegraph, of Houston, and have him arraigned before a Military Commission, to answer for counselling and advising in his paper, bearing date of July 14, A. D. 1868, the assassination of Honorable M. C. Hamilton and C. Caldwell, members of this Convention.

Passed July 20. 1868.

RESOLUTION

Providing for the appointment of a committee to proceed to Millican for the purpose of investigating the recent disturbance, and appropriating five hundred dollars for expenses of said Committee.

Resolved by the People of Texas, in Convention assembled, That a committee of three be appointed by the President of this Conven-

tion to proceed to the town of Millican, for the purpose of investigating the cause of the late disturbance at that place, and report the result thereof to this body; that said Committee are invested with full power to summon such witnesses before them, and examine such papers as shall be necessary to elicit the desired information; that any and every Sheriff in the State shall execute any and every process, of whatever character, that may be issued by said Committee, and the Chairman of said Committee shall have power to swear witnesses; that the sum of five hundred dollars, or so much thereof as shall be necessary. be, and the same is hereby appropriated out of the Contingent fund of this Convention, for the purpose of defraying the expenses of said committee; that Brevet Major General Reynolds be, and is hereby respectfully requested to aid said committee in this investigation, by the protection, by an adequate escort of cavalry or infantry, as he may direct.

Passed July 22, 1868.

RESOLUTION

Appropriating five hundred dollars for the arrest of the attempted assassin of Judge Cooley.

Resolved, That the attention of the Governor be called to the gallant conduct of Frank Yung, Sheriff of Gillespie county, and his companion, Captain Alfred Hunter, who have succeeded in arresting the would-be assassin of Honorable C. Cooley; and the Governor is hereby respectfully requested to devote the sum of five hundred dollars out of the appropriation of twenty-five thousand dollars, made for such purposes by this Convention, as a suitable recompense to the said Frank Yung and Alfred Hunter, for their efficient services.

Passed July 22, 1868.

RESOLUTION

Appropriating five hundred dollars to pay telegrams.

Resolved, That the President of this Convention be, and he is hereby authorized to draw from the Contingent fund the sum of five hundred dollars, or so much thereof as may be necessary, to be used

by him in transmitting dispatches to, and paying for telegrams from our Commissioners at Washington.

Passed July 24, 1868.

RESOLUTION

Requesting the Congress of the United States to appoint a Committee to enquire into the condition of the State.

WHEREAS, It is the desire of the loyal people of Texas that the people of the United States be correctly informed of the social and political condition of the people of this State; therefore,

Be it resolved by the delegates of the people of Texas in Convention assembled, That the Congress of the United States is hereby respectfully and most earnestly requested to send a committee of that honorable body into the State of Texas, to enquire into the condition of the State, to the end that the facts may be made known to the public in an authoritative manner.

Passed July 25, 1868.

RESOLUTION

Requesting Brevet Major-General J. J. Reynolds to appoint one or more Commissioned Officers to participate in the investigation of the Millican disturbance.

Resolved, That this Convention respectfully request Brevet Major-General J. J. Reynolds, commanding District of Texas, to select one or more commissioned officers under his command, as he may deem proper, to participate with the committee appointed by this Convention, in the investigation of the late disturbance at Millican.

Passed July 25, 1868.

RESOLUTION

For the payment of the per diem of Mr. Horne, a member of the Convention.

Resolved, That whereas William E. Horne, a member of this Convention, was sick at its assembling, and remained unable to get

to his seat in this body, from such sickness, until a few weeks since;

Be it declared, that the Secretary of this Convention do issue to the said William E. Horne a certificate for the time he was absent on account of sickness.

Passed July 31, 1868.

RESOLUTION

Appropriating fifteen thousand dollars to pay officers appointed by Provisional Governor A. J. Hamilton.

Be it resolved, That a declaration of this Convention, asking the assent of General Buchanan to the payment of fifteen thousand dollars out of the treasury, for the settlement of claims of officers appointed by Provisional Governor Hamilton, be referred to General Reynolds for approval.

Passed July 31, 1868.

RESOLUTION

Referring a Resolution Appropriation of twenty-five thousand dollars to Major-General Reynolds.

Be it resolved, That a resolution of this Convention, in reference to an appropriation of twenty-five thousand dollars, for paying suitable rewards for the apprehension of criminals, which was not endorsed by General Buchanan, be respectfully referred to General Reynolds for his approval.

Passed July 31, 1868.

DECLARATION

Incorporating the Belleville, Hempstead, and Brazos Bridge Company.

Be it declared by the Convention:

SECTION 1. That J. G. Bell and such other persons as he may associate with himself, are hereby incorporated under the name of

the "Belleville, Hempstead, Brazos Bridge Company;" and, under such name, shall sue and be sued and have succession for thirty years.

SEC. 2. Said company shall have the right to construct a bridge of iron or wood, across the Brazos river, at or near a point where a straight line from the town of Belleville to the town of Hempstead, in Austin county, Texas, crosses the Brazos river.

SEC. 3. Said company shall construct said bridge in a good and substantial manner, within three years from the first day of January, A. D. 1869, and shall keep the same in good repair for the term of thirty years from the completion thereof; and to be ready, at all times, to pass all passengers, carriages, wagons, teams and stock that may wish to cross on said bridge; and be responsible, as common carriers, under the law, for any loss of property in transit over said bridge.

SEC. 4. That said company shall be entitled to charge and receive, from the completion of said bridge, for the term of thirty years, the following tolls from all persons who will cross themselves, or property, viz: Four horse or ox stage or wagon, loaded, fifty cents; for six horse or ox stage or wagon, loaded, seventy-five cents; and for each additional pair of horses, mules or oxen attached to said wagons, twenty-five cents; single horse and buggy, thirty cents; two horse buggies, two horse or ox wagons, fifty cents; other vehicles in proportion; footman, five cents; cattle, five cents per head; hogs, sheep and goats, two cents per head; and other property, not mentioned, in proportion to the above rates.

SEC. 5. That no other bridge shall be constructed across the said Brazos river, for the space of thirty years, within five miles on a straight line up and down said Brazos river, from said bridge which said Belleville, Hempstead Brazos Bridge Company may construct; and that this declaration be and have effect from its passage.

Passed August 5, 1868.

RESOLUTION

Authorizing the Secretary to pay Fred. Slaughter one dollar and fifty cents per day as mail carrier of the Convention.

Resolved, That the Secretary of the Convention be, and he is hereby authorized and required, to issue to Fred. Slaughter, the carrier of the mails to and from the Convention, a certificate for one dollar and fifty cents for each day which the said Fred. Slaughter

has been so employed; and that the amount so certified in favor of said Slaughter shall be deducted out of the amount of the per diem pay due, by a previous resolution of the Convention, to the Postmaster of the Convention.

Passed August 6, 1868.

RESOLUTION

Authorizing the transcribing the Journals of the Convention.

Resolved, That the Secretary of the Convention be, and he is hereby authorized and required to have the Journals of the Convention inscribed in a bound volume, such as is commonly used in recording deeds, and said Secretary shall receive the sum of twenty cents for every hundred words of said Journal so inscribed, in addition to his per diem pay.

Passed August 7, 1868.

DECLARATION

Requesting Congress to pass the International Railroad bill.

Whereas, There is pending before Congress a Bill to aid in the construction of the International Pacific Railroad, from Cairo, in Illinois, to the Rio Grande River, to authorize the consolidation of certain Railroad Companies, and to provide homesteads for laborers on said road; which bill contemplates aid by the United States, in the rapid construction of a continuous line of Railroad and Telegraph from Cairo, in Illinois, through the south eastern portion of Missouri and central districts of Arkansas, Texas and Mexico, to San Blas on the Pacific ocean, and which enterprise, in the opinion of this Convention, ought to be encouraged; therefore,

SECTION 1. Be it declared, by the people of the State of Texas in Convention assembled, That the Congress of the United States be requested to pass the Bill incorporating the said companies into the International Pacific Railroad, and granting said companies aid in Bonds for the constructing of the Railroad above mentioned as proposed in said Bill.

SECTION 2. That said companies, when incorporated by Congress as hereinbefore requested, shall have the right to vary the guage so

as to correspond to the guage from Cairo to the Texas line; also the right to build and operate a Telegraph line along said road.

SECTION 3. That said companies shall have the right of way through the State of Texas, and all the privileges, immunities and franchise within this State, as are now, or may hereafter be conceded to railroads under any general law of this State.

Provided, That this declaration shall not be considered as conferring any grant of lands to the companies incorporated, except such lands as may have, already, under some general law of the State, rightfully accrued to the Brazos Branch Railroad Company or the Henderson, Marshal and Jefferson Railroad Company.

Passed August 10, 1868.

DECLARATION

For the incorporation of the Houston City Railroad Company.

SECTION 1. Be it declared by the Convention of the State of Texas, That Francis D. Allen, R. O. Love, R. W. Dowling, H. L. Allen, M. N. Brewster, H. Allen, Erastus Carter, S. Harper, J. M. Kaumheimer, J. S. Bachelder and S. J. Adams, of the city of Houston and county of Harris, and their associates and successors, are hereby created a body corporate and politic, under the name of the "Houston City Railroad Company;" by which name they may contract and be contracted with, sue and be sued, plead and be impleaded, issue bonds and borrow money, buy and sell real and personal estate, and generally do all acts necessary to carry out the objects of the company.

The principal office for the transaction of all business of the Company shall be in the city of Houston, and at which place alone they may be sued.

SECTION 2. The object of the Company is declared to be to build Street Railroads in the city of Houston, and also in such parts of the county of Harris as may be continuations of the same. And the Company under this act are authorized to build such roads in the manner specified, and on the streets named in a certain contract made and entered into on the 1st day of August, A. D., 1867, by and between the Mayor and Aldermen of the city of Houston and F. D. Allen and his associates; and may also be extended to embrace any other streets or roads that may hereafter be contracted for by said association with the parties aforesaid. And nothing in this act or any of the acts embraced herein, shall be so construed as to de-

prive the city of Houston, or the corporators aforementioned, of any rights or privileges contained in said contract mentioned.

SECTION 3. The capital stock of said company shall be $500,000 divided into 25,000 shares of $20, each share to be transferable by delivery of certificates. For every nine shares of stock issued to subscribers, one share of like value shall be issued and delivered to the Corporators as compensation for their services and labor in procuring subscriptions and perfecting the organization of the Company. Should the object of the Company, in the estimation of the stockholders, be accomplished without the necessity of a sale of all the shares herein provided for, then any shares of said stock remaining unsold may, by a vote of the shareholders, be distributed *pro rata* as paid stock among the corporators and original stockholders. Shares may be disposed of for real estate at its cash value. No bonds shall ever be issued based upon the road or its appurtenances, but may be, if considered necessary, upon the real estate belonging to the Company.

SECTION 4. Subscription for stock shall be paid in such sums and at such times as may be called for by the Directors; and when any stockholders shall at any time make default in the payment of the assessment of his stock, it shall be sold by the Secretary of the Company at public auction, after 30 days' notice; which said sale shall be an absolute conveyance in fee simple of such stock to its purchaser, he also paying the remaining instalments of what may be due.

SECTION 5. The immediate government of the Company shall be vested in a board of nine Directors, the President to constitute one. The following named corporators and stockholders hereby appointed Directors, and are invested with all the rights and powers specified, viz:

M. DeChaumes, F. D. Allen, R. O. Love, J. C. C. Winch, R. E. Dowling, R. Allen, Erastus Carter, S. Harper, J. M. Kaumheimer, J. S. Batchelder, R. Green, jr., H. P. Roberts, Isaac Coleman and P. Reynard, and M. DeChaumes is appointed the President and shall serve until superseded by their successor on the 4th Tuesday in December, A. D. 1869; and annually thereafter, an election for seven members of the Board of Directors shall be held at the office of the company, of which election, ten days' previous notice shall be given. Two additional Directors shall be appointed by the corporators or their successors from among themselves; or the stockholders, together with the seven elected by the stockholders, shall constitute the full Board of nine. Any person shall be eligible to the office of Director who owns one share of stock. In all meetings of the stockholders each person shall be entitled to cast one vote for each

share of the capital stock owned by him; possession of the certificate of stock being in all cases the evidence of such ownership. The Directors shall choose a President from their body, and either from the Board or stockholders a Secretary and Treasurer, or such other officers as they may deem necessary. In all vacancies occurring in the Board, the remaining Directors shall have power to fill from the stockholders. The Directors may establish by-laws, dispose of the funds of the company, establish regulations for the payment of the indebtedness, and generally have direction and control of the interests of the organization. They shall hold their offices for the term of one year, and until their successors are elected and take possession. They shall exhibit a condition of the affairs of the company at each annual meeting of the stockholders.

SECTION 6. The Secretary of the Company shall keep a register of the stock as originally issued. He shall issue certificates of all assessments as well as of stock, in such manner as the Board may direct.

SECTION 7. This act shall take effect from and after its passage, and remain in force twenty years; Provided, said Company shall build the road on the streets named and in the time agreed upon in their contract with the said city of Houston. And, provided, that the present stockholders in said company shall not be affected in their rights by anything herein contained. And it is further provided, That nothing in this act contained, shall annul or otherwise affect the work done and obligations entered into for the building of said road up to the present time, but the same shall be as effective as if done under the provisions of this charter.

SECTION 8. The object of this Act being to confine the contract heretofore granted by the city of Houston to the corporators therein named, it is further provided, That immediately after the passage of this act, the corporators or those having charge, shall turn over and deliver all books of subscription, assets and accounts, and the road and all its property, into the hands of the directors named in this act, who are alone authorized to conduct the affairs of said Company, under such by-laws and regulations as may hereafter be adopted in accordance with this charter.

Passed August 10, 1868.

RESOLUTION

Authorizing the Secretary to draw a Warrant in favor of Fred Slaughter, for $1.50 per day for services as page.

Resolved, That the Secretary of this Convention be, and he is authorized to draw a warrant against the Contingent fund of this Convention, in favor of Fred Slaughter, for the sum of $1.50 per day, for his services as page or employe of this body, in carrying the mail of members of this Convention from this hall to the post-office and back.

Passed August 14, 1868.

DECLARATION

For Port of Entry, Sabine Pass, to be forwarded to the Congress of United States.

Be it Resolved, by the people of Texas in Convention assembled:

1. That the Congress of the United States be, and are, hereby requested to make by law, Sabine Pass, in the State of Texas, a port of entry.

2. That copies of this resolution, signed by the President of this Convention, and attested by the Secretary thereof, be forwarded to the Speaker of the House of Representatives and the President of the Senate of the United States.

Passed August 14, 1868.

RESOLUTION

Requesting Brevet Major General Reynolds to create a new Judicial District out of the Twenty-second and Fifteenth Judicial Districts of Texas.

WHEREAS, The necessities and convenience of the people of the Twenty-second and Fifteenth Judicial Districts of Texas demand special terms of the District Court, which cannot be held by the Judges thereof, as the regular terms of said court (as the districts are now constituted) require the official and regular services of said

Judges nearly the whole of the year; therefore, with the view of meeting the wants of the people in this behalf,

Be it resolved by the delegates of the people of Texas in Convention assembled, That Brevet Major General J. J. Reynolds, commanding the Fifth Military District, comprising the State of Texas, be and is hereby respectfully requested to sub-divide the Twenty-second and Fifteenth Judicial Districts of the State of Texas, and from said districts create a new Judicial District, as follows, to wit: Houston, Nacogdoches and Anderson counties from the Twenty-second District; and Trinity and Angelina counties from the Fifteenth District, to be called the Eighteenth Judicial District of Texas; and appoint a Judge and District Attorney for said new district, and authorize and require said Judge to hold one or more special terms (at least one) of the District Court in each of said counties, in each year, as he may direct; and that in case any of the courts of the proposed new district conflict with each other, that the Judge be authorized and required to postpone the regular terms of the court of such of said counties as may conflict, as he may direct.

Resolved, That a copy of this resolution, signed by the President and Secretary of this Convention, be forwarded to Major General J. J. Reynolds, through the office of His Excellency E. M. Pease, Provisional Governor of Texas.

Passed August 18, 1868.

DECLARATION

Requesting an appropriation of twenty-five thousand dollars.

WHEREAS, The declaration passed on the —— day of June, 1868, making an appropriation of one hundred and twenty-five thousand dollars for the per diem pay and mileage of the members of the Convention, and for the per diem pay of the officers, and for the printing and contingent expenses of the Convention, was only approved to the extent of one hundred thousand dollars by the Commander of the Fifth Military District.

And whereas, The said sum of one hundred thousand dollars is exhausted, and the labors of the Convention are not yet completed, therefore

Be it resolved by the delegates of the people of Texas in Convention assembled, That the Commander of the Fifth Military District be, and he is hereby respectfully requested to make his

order approving the remainder of said appropriation, and authorizing and requiring the Comptroller to draw upon the Treasurer for said balance of twenty-five thousand dollars, or so much thereof as may be necessary, to meet the per diem pay of the members and officers of the Convention, and the mileage of the members, and the printing and contingent expenses of the Convention, in the same manner and in the same terms as to vouchers, on which the one hundred thousand dollars was ordered to be paid.

Passed August 20, 1868.

DECLARATION

Asking for the relinquishment of the ad-valorem tax of the county of Jefferson for 1868.

SECTION.—Be it declared by the people of Texas in Convention assembled, That Brevet Major General J. J. Reynolds, commanding the Fifth Military District, be and is hereby requested to relinquish to the county of Jefferson, eight hundred and twenty-one dollars and sixty-nine cents, the same being the ad-valorem tax of said county, assessed for the year 1868, to be used in repairing the court house of said county, recently damaged by lightning.

Passed August 19, 1868.

RESOLUTION

To appropriate a sufficient sum of money for the purchase of books, etc., for the use of the Blind Asylum.

Resolved, That the Provisional Government of the State of Texas be requested to appropriate a sufficient amount of money to purchase the necessary books, apparatus and instruments necessary for the wants of the blind pupils; for the repair and improvements suggested in the foregoing statement; and that the salary of the Superintendent be not less than the sum of fifteen hundred dollars per annum.

Passed August 20, 1868.

DECLARATION

Incorporating the Jefferson, Marshal and Big Cypress Bayou Bridge Company.

SECTION 1. That George W. Keene, Aaron Grigsby, and W. H. Johnson, and such other persons as they may associate with themselves, and their successors, are hereby incorporated under the name of the Jefferson, Marshal and Big Cypress Bayou Bridge Company, and under such name shall sue and be sued and have succession for thirty years.

SEC. 2. Said company shall have the right to construct a bridge, of iron or wood, across the Big Cypress Bayou, at a suitable point opposite the city of Jefferson, between said city of Jefferson and Marshal.

SEC. 3. Said company shall construct said bridge in a good and substantial manner, within five years from the first day of January, A. D. 1869, and shall keep the same in good repair for the term of thirty years from the completion thereof; and to be ready at all times to pass all passengers, carriages, wagons, teams and stock that may wish to cross on said bridge, and be responsible as common carriers under the law, for any loss of property in transit over said bridge.

SEC. 4. That said company shall be entitled to charge and receive, from the completion of said bridge, for the term of thirty years, the following tolls from all persons who may cross themselves or their property, viz: Four horse or ox stage, or wagon, loaded, fifty cents; for six horse or ox stage, or wagon, sixty cents; and for each additional pair of horses, mules or oxen, attached to said wagon, ten cents; for man and horse, ten cents; single horse and buggy, twenty-five cents; two horse buggies, two horse or ox wagons, forty cents; other vehicles in proportion; footmen, five cents; cattle, five cents per head; hogs, sheep and goats, two cents per head; and other property in proportion to the above rates.

SEC. 5. That no other bridge or ferry shall be constructed or kept across the said Big Cypress Bayou or river, for the space of thirty years after the completion of the bridge, within a space of four miles on a straight line up and down said Big Cypress Bayou or river from said bridge, which said Jefferson, Marshal and Big Cypress Bridge Company may construct; provided, that in case the said bridge shall get out of repair, the said company shall be authorized to keep a ferry boat for the crossing of passengers over said bayou or river, until the said bridge is put in order.

SEC. 6. That any person crossing said bridge, or who by attempting to pass around said bridge, or otherwise attempt to evade the payment of the tolls herein allowed, when said company is authorized to demand and receive the same, shall forfeit and pay to said company for every such attempt, the sum of five dollars for each item attempted to be evaded, which may be recovered before any Justice of the Peace in whose jurisdiction such person may be found. Provided, that nothing herein contained shall be construed to prevent any person from crossing at any ford on said river, and that this declaration be and have effect from and after its passage; and all laws conflicting with this declaration are hereby repealed.

Passed August 20, 1868.

DECLARATION

Declaring certain acts of the so-called Tenth and Eleventh Legislatures repealed.

1. Be it declared by the people of Texas, in Convention assembled, That an act of the so-called Tenth Legislature of the State of Texas, known as an act to punish certain offences committed on Sunday, approved December 16, 1863, and sections 1, 2, 3, 4, of an act of the so-called Eleventh Legislature of the State of Texas, passed November 13, 1866, known as chapter CLXXVIII, an act amendatory of an act to punish certain offences committed on Sunday, approved December 16, 1863, be and are hereby declared repealed.

Be it further declared, That all prosecutions and judicial proceedings now pending in any courts of this State on the part of the State of Texas, for a violation of any of said acts, shall at once be abandoned, and that this declaration shall take effect from and after its passage.

Passed August 20, 1868.

DECLARATION

For the relief of the heirs of Sam. Houston, deceased.

SECTION 1. Be it declared and ordained, That the land certificate heretofore issued by the lawful authorities of the Republic of Texas,

on the twentieth of June, 1838, to General Sam. Houston, for military services from November, 1835, to October, 1836, for 1280 acres of land, being No. 3894, be, and the same is hereby approved and declared to be a valid and just claim, from its date, against the State of Texas; and the Commissioner of the General Land Office is hereby authorized to issue patent on the same to the heirs of Sam. Houston, deceased.

Passed August 21, 1868.

DECLARATION

Requesting the Commanding General to relinquish the State tax of Montgomery county for the years 1867 and 1868.

WHEREAS, There is no jail in the county of Montgomery, and the employment of guards for prisoners is bankrupting said county; therefore,

Be it declared by the people of Texas assembled in Convention, That the Commanding General of Fifth Military District of the United States be, and is hereby respectfully requested to relinquish the State taxes for the year 1867 not yet collected, and the taxes for the year 1868, to the said county of Montgomery, for the purpose of erecting a jail.

Passed August 21, 1868.

DECLARATION

Authorizing the Governor to lease the State Penitentiary.

It is hereby declared by the people of Texas in Convention assembled, That the Provisional Governor of the State is hereby authorized and required to lease the State Penitentiary, with the labor of the convicts, for a term of not less than five nor more than ten years, upon the conditions and with the limitations hereafter named.

The Penitentiary shall continue to be managed according to the present or future laws of the State, except that the office and duties of the financial agent, his bookkeeper and clerk, shall be dispensed with; and except, also, that the lessee or lessees shall have the right to direct what particular kind of labor the convicts shall be employed

in; but they shall not employ such labor at any other place than the Penitentiary.

The lessee or lessees shall furnish everything that is necessary for the support and maintenance of the Penitentiary and the convicts therein imprisoned; including the salaries of the officers and employes, which shall be paid quarterly; the transportation of convicts, and the amount required to be paid to convicts on their discharge.

They shall also keep the buildings in good repair; and shall construct such additional buildings and cells as, in the opinion of the Directors and Superintendent, may be necessary for the proper accommodation of the officers, employes and convicts; which shall be of durable materials, similar in style and equal in quality to the present buildings and cells; and they may, with the approval of Directors, erect such other walls and buildings, and make such changes and alterations in the present machinery, and procure such other machinery, as they may deem necessary for the profitable employment of the labor of the convicts.

The lessee or lessees shall have the use of all land, buildings, machinery, tools and other property belonging to the Penitentiary, which are destined or used for the labor of the convicts; and shall have the control and direction of the labor of the convicts, subject, however, to all laws that have been, or may hereafter be enacted for the government and police of the Penitentiary. They shall have the right to introduce into the Penitentiary such skilled labor as they may think necessary to direct the labor of the convicts and give efficiency thereto.

An inventory and valuation of all the materials, machinery and property of every description now belonging to the Penitentiary, except the land and buildings, shall be made by appraisers, one of whom shall be appointed by the Governor and the other by the lessee or lessees, with the right, on the part of the said appraisers, to appoint an umpire, in case they cannot agree; which property shall be receipted for by the lessee or lessees, at the valuation. At the expiration of the lease, a like inventory and valuation shall be made in the same manner of all the materials, machinery and property of every description then in use at the Penitentiary, including all new walls, buildings and cells that may have been constructed by the lessee or lessees, under the sanction of the Directors; but excluding the land and present buildings. At the expiration of the lease, the lessee or lessees shall be bound to have all the walls and buildings and machinery in good repair, and shall deliver them to the State in that condition. And the State shall be bound to pay them whatever excess there may be in the valuation of

the materials, machinery and property, including any new walls, buildings and cells erected by them, which they may deliver to the State over and above the value of the property received from the State at the commencement of their lease.

Whatever amount they (the lessee or lessees) may agree to pay the State for said lease, beyond the obligations herein required of them, shall be promptly paid according to the terms of their agreement.

The lessee or lessees shall be required to execute and deliver to the Governor, a bond with security to be approved by him, payable to the State of Texas, in the sum of fifty thousand dollars, conditioned for the faithful performance of the terms of their lease.

The State of Texas, by the Governor or Legislature, shall have the right to terminate said lease, if, at any time, the lessee or lessees shall fail to comply with their obligations under the same.

SEC. 2. The Commanding General of the Fifth Military District is requested to approve this declaration, and authorize the Penitentiary to be used in accordance therewith. And the Governor be empowered to insert such other terms in the contract as he may deem of interest to the State, which do not conflict with the rules herein prescribed.

Passed August 21, 1868.

RESOLUTION

For the appointment of a special committee to inquire into the propriety of admitting indigent persons into the asylums of the State.

Resolved, That a special committee be appointed to visit the Blind Asylum and Deaf and Dumb Asylum, with a view of inquiring into the propriety of admitting into either or both of these institutions, such number of indigent orphans as could be received therein, for education and maintenance on the expense of the State, until an Orphan Asylum shall be established.

Passed August 21, 1868.

RESOLUTIONS

Respecting the murder of Captain Martin D. Hart, First Texas Cavalry, by Confederate States officers.

WHEREAS, Hon. Martin D. Hart, of Hunt county, Texas, Captain of Company A, First Texas Cavalry, U. S. A., was, on the twenty-first day of January, 1863, at or near Fort Smith, Arkansas, most foully murdered by a company of rebel officers and men, for no other crime than his loyalty to the Government; Therefore, be it

Resolved, That in the death of Captain Hart the loyal people of Texas lost a true and tried friend, and the people of his immediate section an honorable and respectable citizen.

Resolved, That the loyal people of Texas deeply sympathize with the bereaved widow and children and relations of the deceased; and in behalf of the loyal people we hereby offer our condolence in their sad bereavement.

Resolved, That a copy of these resolutions, signed by the Secretary and President, be forwarded to Mrs. Hart, at Greenville, Hunt county, Texas.

Passed August 21, 1868.

DECLARATION

Granting bounty to soldiers in the United States service in the late war.

WHEREAS, During the late rebellion, many persons residing in Texas took up arms and did good service in the armies of the United States, as members of the first and second regiments of Texas Cavalry, and in other organizations; and

WHEREAS, The State of Texas has never heretofore recognized the services of these men in any public manner, as has been done by all the other States of the Union as to their soldiers; and

WHEREAS, These soldiers of Texas in the Union Army have been mercilessly slandered in their good names and plundered in their property; be it, therefore, declared:

SECTION 1. That every officer and soldier, a resident of Texas at the time of volunteering, and who served as officer, non-commissioned officer or private, in the First and Second Regiments of Texas Cavalry, Union forces, purporting to be from Texas; or in

other organizations of Union forces, during the late rebellion; and who died in the said service, or were honorably discharged, shall receive a bounty of land from the State of Texas, as follows: those who served for a period of six months, or less, shall receive eighty acres of land. Those who served for a period of six months or over, and less than twelve months, shall receive one hundred and sixty acres of land. Those who served a period of twelve months or over, shall receive three hundred and twenty acres of land. And the Legislature is directed to provide a bounty in money for each non-commissioned officer or private in any of above organizations who served one year or more, $100; and for each non-commissioned officer or private who served less than one year, $50; said bounty to go to the heirs of some, in case of their decease.

SEC. 2. That the Commissioner of the General Land Office of Texas shall issue to the persons entitled thereto, under this declaration, the certificates herein named, upon the presentation to him of the authenticated discharge of the person claiming the same; and in case of a loss of said discharge, or a failure to get it, or the death of the applicant before discharge, said certificates for lands shall be issued upon a compliance with such rules as the Commissioner of the General Land Office may make, which he is authorized to do.

SEC. 3. The wife, children, or mother and father, or any of them, according to the laws of descent and distribution of the State of Texas, shall take and receive the bounty, herein granted, of any officer, non-commissioned officer or private who may have died without receiving the same; provided, that no officer or soldier, a resident of Texas at the time of his entering the service, and who entered organizations other than the said First and Second Texas Cavalry, Union forces, and received a bounty in money or land from any State government or individual fund, other than the United States bounty, shall be entitled to the bounty given by this declaration.

SEC. 4. The bounty here given shall not be subject to the debts of grantee, and the said certificates, in case of death, shall issue directly to the wife, children, or father and mother of the decedent, and may be located on any public domain in Texas.

SEC. 5. That the Secretary of State is hereby directed to procure from the Secretary of War of the United States a true copy or copies of the muster rolls of the Texas organizations in the service of the United States, and have the same filed in the Executive Office of the State of Texas.

Passed August 21, 1868.

DECLARATION

Respecting the Houston Tap and Brazoria Railroad.

SECTION 1. It is hereby declared by the Delegates of the people of Texas, in Convention assembled, that it shall be and is hereby made the duty of the present Provisional Governor of the State, to cause the Houston Tap and Brazoria Railroad to be sold for the payment of the indebtedness of the Company owning the same, to the Special School Fund of the State.

SEC. 2. As soon after the passage of this Ordinance as may be consistent with his other official duties, the said Provisional Governor shall cause the said Railroad to be advertised for sale for sixty days in the following newspapers: the San Antonio Express, the Austin Republican, Flake's Galveston Bulletin, the Houston Telegraph, and for at least forty days in some leading paper in the city of New York. The sale shall take place in front of the Capitol, in the city of Austin, between the hours of ten o'clock, A. M., and two o'clock, P. M. The sale shall be at public auction and under the direction of the Provisional Governor. The sale shall be for cash, to be paid down in gold or silver money of the United States, or in its equivalent in United States currency, on the day of sale.

SEC. 3. As there may be some question as to the rights of a purchaser under the existing law of the State, it is hereby declared that any purchaser of this road shall have the right either to run and manage said road, in conformity with the charter of the Company now owning the same, and subject to the laws of the State in the premises, or to take up and remove the iron from said road; but if the use of said road shall ever be discontinued and the iron removed from the same, then the franchises granted in the charter authorizing the construction of said road, shall revert to the State of Texas.

SEC. 4. If any person shall appear and bid for said road, and become the purchaser thereof on the day fixed for the sale, it shall be the duty of the Governor to give to such purchaser a certificate of the sale and purchase, which shall be signed by the Governor officially and attested by the Secretary of State, and the seal of the State; which said certificate shall be recorded in the office of the Secretary of State before being delivered to the purchaser; and such certificate shall vest full title to said road in the purchaser, with all the rights and privileges accorded by the charter of said road, by the laws of the State, and by this declaration.

Passed August 24, 1868.

DECLARATION

Respecting the Texas and New Orleans Railroad and the Pacific Railroad.

SECTION 1. It is hereby Declared by the Delegates of the people of Texas, in Convention assembled, That it shall be, and is hereby made the duty of the present Provisional Governor of this State to cause the following named Railroads to be sold for the payment of the indebtedness of the Companies owning them respectively, to the Special School Fund of the State, to wit: the Texas and New Orleans Railroad and the Southern Pacific Railroad.

SEC. 2. It shall be the duty of the Governor, as soon after the passage of this declaration as may be consistent with his other official duties, to cause said Railroads to be advertised for sixty days in the following named newspapers, to wit: the San Antonio Express, the Austin Republican, Flake's Galveston Bulletin, the Paris Vindicator, the National Index, at Tyler, Smith county, and the McKinney Messenger, and also for forty days in some leading paper in the cities of New York, Philadelphia and Boston. The sale shall take place on the steps of the Capitol, in the city of Austin, between the hours of ten o'clock, A. M., and two o'clock, P. M., under the direction of the Governor. The said roads shall be sold separately. The sale shall transfer to the buyer all the property in the road and of the Company to which the bonds executed for the loan of the Special School Fund are a lien, as set forth in the 3d Section of the Act of the 13th of August, A. D. 1856, concerning the loan of the School Fund.

SEC. 3. For the purpose of the sale herein contemplated, it is hereby declared, that the Texas and New Orleans Railway Company was indebted to the Special School Fund on the 1st day of March, A. D. 1868, in the sum of $595,166,25, principal and interest; and that the Southern Pacific Railway Company was indebted to the Special School Fund, on the same day, in the sum of $202,625, principal and interest.

SEC. 4. The sale of these roads shall be at public auction, and if any person shall bid for either of said roads, the whole amount of the debt due by the Company owning the road to the Special School Fund, with interest to the day of sale, the whole amount to be paid down in coin, it shall be the duty of the Governor to accept such bid, and to cause the road in question to be knocked off to such purchaser, provided he cannot obtain a better bid in cash; but, if no person shall bid the whole amount due by the Companies

owning said roads respectively, it shall be the duty of the Governor to bid for each of said roads the whole amount due by the Company to which the road belongs, to the School Fund, and thus purchase each of said roads for the State; and upon the making of such bid by the Governor, and his public declaration that he purchases said roads for the State, said roads shall become the property of the State; and the Governor shall, on the same day, file in the office of the Secretary of State a written declaration that he purchased said roads, or either or any of them, as the case may be, for the State; which declaration shall be attested by the Secretary of State; and the seal of the State.

SEC. 5. If any person other than the Governor shall become the purchaser of said roads, or either or any of them, then it shall be the duty of the Governor, after the payment of the price, to give to such purchaser a certificate of sale, signed by himself officially and attested by the Secretary of State, using the seal of the State; which said certificate, after being recorded in the office of the Secretary of State, shall be delivered to the purchaser, and shall vest in said purchaser full title to the road or roads so purchased, with all the rights, franchises, property, &c., set forth in the 3d Section of the Act of the 13th of August, 1856, concerning the loan of the School Funds.

SEC. 6. If the Governor shall purchase either, or any, or all of said roads for the State, he shall have, and is hereby vested with the power to re-sell either, or any, or all of said roads to any person, or company, or association of persons that can show, to the satisfaction of the Governor, the pecuniary ability to put said road or roads in complete running order for the use of the public, and that shall also enter into contract with the Governor to put such road or roads in complete running order within a reasonable time; and any person, or company, or association of persons proposing so to contract with the Governor for the purchase of one or more of said roads, shall, in such contract, stipulate that the bonds of the former company, or companies, for the sums borrowed from the School Fund, shall continue to be a first lien on said road or roads for the amounts due said School Fund; and in making any such contract with the Governor, shall, as the representative of the State, stipulate that the party purchasing either, or any, or all of said roads shall have an extension of time for payment of the bonds of the former company or companies, for the amounts due the School Fund, of twenty years from the date of such contract; and such contract shall also contain a stipulation that if the party purchasing either, or any, or all of said roads shall make default for the period of thirty days in the payment of interest upon said bonds,

then the principal as well as the interest shall be deemed to be due, and the State shall have the right to proceed to sell the road or roads upon which the bonds so becoming due are a lien, in such manner as is now, or may hereafter be prescribed by law. Such re-sale and contract by the Governor shall subrogate the party purchasing to all the rights and privileges granted by the charter or charters of the company or companies sold out, and shall subject the party purchasing to all of the provisions of the laws of the State, as fully as the sold out company or companies was, or were. And any person, or persons who may purchase said roads, or either of them from the Governor under the provisions of this Section, shall be required to deposit in the Treasury of the State, for the Texas and New Orleans Railroads, the sum of one hundred thousand dollars in United States currency or bonds, and for the Southern Pacific Road the sum of seventy thousand dollars in United States currency, or bonds; said deposits shall be upon the consideration which shall be expressed in the contracts, that when either of said roads shall have expended an amount equal to the amount deposited in making proper repairs upon the roads, said purchaser shall have the right to withdraw one-half of the amount deposited upon the certificate of the Governor; and when a further sum equal to the whole amount of the sum originally deposited shall be expended by the purchaser in making proper repairs on said road, then said purchaser shall have the right to withdraw the remainder of the deposit upon the certificate of the Governor.

And it shall also be stipulated that if the purchaser making the deposit as above provided, shall fail to make proper repairs upon the road purchased, equal in value to the amount deposited, within six months from the time such person shall obtain possession of the road purchased, then the sum deposited shall be absolutely forfeited to the State.

SEC. 7. If the Governor shall not make any re-sale of said roads, or either, or any of them before the first day of the meeting of the next Legislature of the State, then his power to re-sell said roads, or such of them as at that time have not been re-sold by him, shall cease, and it shall be the duty of the Legislature to make such disposition of such roads, or road, as may be the property of the State, as will best protect the Special School Fund and subserve the interests of the public.

SEC. 8. In the event that the Governor shall purchase any, or either of these roads for the State, as herein before provided, he shall have authority to take possession of the roads, or road purchased, and to appoint a receiver, or receivers, to control and man-

age the same for the State under his direction, until a re-sale shall be made, or until the Legislature shall otherwise direct.

SEC. 9. In the event of a purchase of these roads, or either of them from the Governor, under the provisions of the 6th Section of this declaration, nothing, in this declaration contained, and nothing in the contract which the purchaser may enter into with the Governor, shall be construed or understood to deprive the Legislature of the power to control said roads by law, or to make any further agreement with such purchaser as may be deemed beneficial to the roads or to the public, and conducive to the security of the School Fund.

SEC. 10. It shall be the duty of the Governor to recite this declaration in the advertisement of said roads for sale.

Passed August 24, 1868.

RESOLUTION

Respecting a Committee to remain in session during the recess and for other purposes.

Resolved, That Messrs. Munroe, Thomas, Varnell and Watrous, members of this Convention be, and they are hereby appointed a Committee, as provided for in a resolution of the Convention, to act in conjunction with the President, in convening this body at an earlier day than that to which it will stand adjourned from the 31st August, if the public interest should require it. And during the recess the Secretary shall safely keep the journals and records of the Convention, together with declarations, resolutions and reports as may be intrusted to him by the members, and shall act as Secretary to the Committee created by this resolution.

The Secretary shall receive his per diem during the recess, and all other officers and employees shall not receive pay during the recess.

The members of the Convention shall receive no per diem during the recess.

Passed August 21, 1868.

DECLARATION

Levying a special tax for the payment of the per diem pay and mileage of members; the per diem pay of the officers and the contingent expenses of the Reconstruction Convention.

Be it declared by the people of Texas in Convention assembled' That the Assessors and Collectors of the several counties of this State, are required to collect a tax of twenty cents on the hundred dollar's worth of property, assessed for State taxes for the year 1868, to pay fees, salary, compensation of delegates and agents, and contingent expenses of this Convention, which assembled by virtue of an act of the Congress of the United States, which passed March 23, 1867, entitled "an Act supplemental to an act entitled 'an act to provide for the more efficient government of the rebel States, passed March 2, 1867, and to facilitate restoration.'"

SECTION 1. That the taxes herein levied shall be collected and returned by the first day of December, 1868, and the Comptroller shall take all necessary steps and prescribe rules to insure the prompt and efficient collection of the same.

SEC. 2. That the sum of five thousand dollars is hereby appropriated, or so much thereof as may be necessary for the purchase of books, printing blanks, purchase of stationery, clerk's hire, and for contingencies that may arise which are necessary to carry into effect this declaration.

SEC. 3. The Comptroller is hereby required to keep a separate account of all taxes received under this declaration, and the Assessors and Collectors shall be entitled to commission for collecting the taxes herein levied, as follows: at eight per cent. on the first thousand dollars; at five per cent. on the second thousand dollars; at four per cent. on the third, fourth and fifth thousand dollars; at three per cent. on the sixth, seventh, eighth, ninth and tenth thousand dollars, and one per cent. on all sums over ten thousand dollars.

SEC. 4. The taxes herein levied shall be collected in the same manner as is now provided for the collection of State taxes by the laws in force.

SEC. 5. That all appropriations drawn from the State Treasury for the use of this Convention, shall be reimbursed the State out of the taxes herein levied, and this declaration shall be in force from its passage.

Passed August 24, 1868.

DECLARATION

Authorizing the Governor to invest the School Fund of the Treasury in U. S. Gold bearing Bonds.

Whereas, There is now in the Treasury of the State of Texas, the sum of fifty-nine thousand four hundred and seventy-nine dollars in specie, belonging to the Common School Fund, which is drawing no interest.

Therefore, Be it declared by the people of Texas in Convention assembled, that the Provisional Governor be, and he is hereby authorized and required to invest the sum of fifty-eight thousand dollars of said amount in United States gold bearing Bonds, so that said sum may be drawing interest thereon, for the benefit of the Common School Fund of the State.

Passed August 24, 1868.

DECLARATION

Incorporating the Navasota, Washington and Brazos Bridge Company.

SECTION 1. Be it declared by this Convention, That C. T. Harn, and such other persons as he may associate with himself, are hereby incorporated under the name of the "Navasota, Washington and Brazos Bridge Company," and under such name shall sue and be sued, and have succession for thirty years.

SEC. 2. Said Company shall have the right to construct a bridge of iron or wood across the Brazos river, at or near where the road from Navasota crosses the Brazos river, to the town of Washington, in Washington county, Texas.

SEC. 3. Said Company shall construct said bridge in a good and substantial manner, within three years from the 1st day of January, A. D., 1869, and shall keep the same in good repair for the term of (30) thirty years from the completion thereof, and to be ready at all times to pass all passengers, carriages, wagons, teams and stock that may wish to cross on said bridge, and be responsible as common carriers under the law for any loss of property in transit over said bridge.

SEC. 4. That said Company shall be entitled to charge and receive from the completion of said bridge, for the term of thirty

years, the following tolls from all persons who may cross themselves, or their property, viz: four-horse or ox stage, or wagon, loaded, fifty cents: for six-horse or ox stage, or wagon, loaded, seventy-five cents; and for each additional pair of horses, mules, or oxen, attached to said wagons, twenty-five cents; for man and horse, fifteen cents; single horse and buggy, thirty cents; two-horse buggies, two-horse or ox wagon, fifty cents; other vehicles in proportion; footmen, five cents; cattle, five cents per head; hogs, sheep and goats, two cents per head, and other property not mentioned in proportion to the above rates.

SEC. 5. That no other bridge shall be constructed across the said Brazos river for the space of thirty years, within three miles, on a straight line up and down said Brazos river, from said bridge, which said Navasota, Washington and Brazos Bridge Company may construct, and this declaration be and have effect from and after its passage.

Passed August 25, 1868.

DECLARATION

Granting the Mexican and Gulf Railroad Company an extension of time for the completion of the second twenty-five miles of road.

Whereas, The San Antonio and Mexican Gulf Railroad Company (without aid from the School Fund) constructed and equipped their road from Lavaca to Victoria, and kept the same in successful operation until destroyed by the rebel General Magruder, and

Whereas, This wanton and wicked destruction of private property and a great enterprise was owing to the hostility and desire of those then in power to harass and ruin the principal owners or stockholders, on account of their well-known loyalty and avowed Union sentiments; and

Whereas, The franchise rights of said Company may be endangered by the absence of loyal legislation,

Therefore be it declared, That said Company shall have allowed them for the construction of the second section of twenty-five miles of said road the same extension of time after the adoption of Texas into the Union under the Reconstruction Acts, as allowed by the act approved February 1, 1861, entitled "An Act Supplemental to an Act and Amendatory of an Act entitled an Act to Incorporate the San Antonio and Mexican Gulf Railroad Company, and Supple-

mental and Amendatory of the several Acts Supplemental to and Amendatory of the above recited Act."

Passed August 25, 1868.

RESOLUTION

Authorizing the Secretary to pay Copying Clerk.

Resolved, That the Secretary be authorized to issue to the Copying Clerk, assisting the Secretaries, a certificate for his pay, at $4 per diem, from the date of his employment.

Passed August 25, 1868.

DECLARATION

Authorizing the publication of the Constitution as far as adopted in newspapers specified.

Be it resolved by the people of Texas in Convention assembled, That the following newspapers be and they are hereby authorized and requested to publish in the form of "Extras" of their several journals, for distribution among the people, copies of the Constitution so far as passed upon by this Convention, that is to say: that the Austin Republican publish 5,000 copies for distribution among the people of the counties of Colorado, Fayette, Lavaca, Bastrop, Travis, Williamson, Bell, Hamilton, Comanche, Brown, San Saba, Lampasas, Burnett, Llano, Hays, Caldwell, Guadalupe; that the San Antonio Express publish 5,000 copies for distribution in the counties of Jackson, Mason, Menard, Kendall, Edwards, Kerr, Gillespie, Blanco, Bandera, Comal, Bexar, Wilson, Gonzales, DeWitt, Karnes, Goliad, Victoria, Calhoun, Refugio, San Patricio, Nueces, Live Oak, Bee, Atascosa, Medina, Zavalla, Cameron, Hidalgo, Starr, Zapata, Webb, Kinney, Presidio, Maverick, Coryell and El Paso; that the Free Press for Texas publish 5,000 copies for distribution among the German population in the State wherever located; that Flake's Bulletin publish 5,000 copies for distribution in the counties of Galveston, Brazoria, Fort Bend, Harris, Austin, Montgomery, Walker, Grimes, Brazos, Washington; that the Galveston Republican publish 5,000 copies for distribution in the counties of Burleson, Milam, Robertson, Madison, Leon, Freestone, Limestone, Falls, McLennan,

Matagorda, Wharton, Hill, Bosque and Navarro; that the McKinney Messenger publish 5,000 copies for distribution in the counties of Hunt, Collin, Dallas, Tarrant, Cook, Denton, Montague, Wise, Parker, Palo Pinto, Jack, Clay, Young, Johnson, Ellis, Erath, Hood and Taylor; that the Paris Vindicator publish 5,000 copies for distribution in the counties of Davis, Bowie, Titus, Red River, Lamar, Hopkins, Kaufman, Fannin and Grayson; that the Tyler Index publish 5,000 copies for distribution in the counties of Anderson, Angelina, Cherokee, Harrison, Henderson, Houston, Rusk, Sabine, San Augustine, Shelby and Smith; that the Union Republican, at Huntsville, publish 5,000 copies for distribution in the counties of Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Panola, Polk, Trinity, Tyler, Hardin, Chambers, Van Zandt and Wood.

2. That said several newspapers distribute the "Extras" published by them respectively, and present their respective accounts for liquidation and settlement at the reassembling of this Convention, in December next.

Passed August 26, 1868.

DECLARATION

Extending the grants and privileges of the Columbus, San Antonio and Rio Grande Railroad.

Whereas, The Columbus, San Antonio and Rio Grande Railroad Company now hold a charter which may become of no force or effect by a failure of the Legislature of the State to hold a session in the year 1868, therefore,

Be it declared, SEC. 1. That the rights and privileges heretofore granted to the Columbus, San Antonio and Rio Grande Railroad Company be extended until ninety days after the meeting of the first lawful Legislature of the State of Texas.

SEC. 2. Be it further declared, That the charter of the Columbus, San Antonio and Rio Grande Railroad Company be so amended as to grant the privilege to said railroad company to commence the building of said railroad at the town of Gonzales, or some practicable point on the contemplated line of the Indianola and Austin Railroad, running west, instead of at Columbus, its present point of beginning.

Passed August 28, 1868.

DECLARATION

Granting lands to actual settlers, to purchasers of land, and location of genuine land certificates, within the limits of the Memphis and El Paso Railroad reserve.

SECTION 1. Be it declared by the people of Texas in Convention assembled, That all heads of families actually settled on vacant land lying in the Memphis and El Paso Railroad reserve, shall be entitled to and receive from the State of Texas eighty acres of land, including the place occupied, on payment of all expenses of survey and patent.

SEC. 2. Be it further declared, That all the vacant lands lying within the Memphis and El Paso Railroad reserve is hereby declared open and subject to sale to heads of families actually settled, or who may actually settle on said reserve, at the price of one dollar per acre; and such vacant lands within said reserve shall be open to pre-emption settlers, and subject to the location of all genuine land certificates.

SEC. 3. Be it further declared, That on the 4th day of February, A. D., 1856, an act entitled "An Act to Incorporate the Memphis, El Paso, and Pacific Railroad Company" was approved by the Governor, and on the 25th day of August, 1856, the 19th section of said act was amended and approved by the Governor; and by the said act and amendment aforesaid, a certain quantity of land per mile was granted to said Memphis, El Paso and Pacific Railroad Company, upon the express condition that the said Company put in complete order twenty miles of said road; and a large quantity of certificates for lands have been issued by the Commissioner of the General Land Office to said Company, and many patents have been issued thereon, and it is believed by the Convention that said patents and certificates have been issued in violation of the express provisions of said act; therefore,

Be it further declared, That it shall be the duty of the Attorney General of the State of Texas to prosecute suits in any Court in this State, having competent jurisdiction, against said Company, or any person or persons holding any of said certificates or patents, for the purpose of having the same cancelled.

SEC. 4. Be it further declared, That this ordinance take effect from and after adoption and approval.

Passed August 29, 1868.

DECLARATION

Respecting the Central Railroad Company.

WHEREAS, The Houston and Texas Central Railroad Company has become the owner, by purchase, of the Washington County railroad; and

Whereas, The said Houston and Texas Central Railroad Company, and the Washington County Railroad Company are indebted to the State of Texas for sums borrowed from the Special School Fund; and

Whereas, The said Houston and Texas Central Railway is desirous to extend the Washington County branch to the city of Austin as soon as it can be done, and to build their main trunk to Red River in the shortest time possible, and upon the best ground; and to strike Red River at such point as will enable said Company to form a connection with any railroad that may be built southward from Kansas or Missouri to Red River; and

Whereas, The ability of said Company to build said main trunk and branch road would be greatly increased by the consent of the State to exchange the six per cent. bonds of said companies, now held by the State for the seven per cent. gold bearing bonds of said Houston and Texas Central Railway Company, issued by virtue of a deed of trust, executed by said Company on the first day of July, A. D. 1866, in which deed of trust Shepherd Knapp and David S. Dodge, of the city of New York, are named (and have accepted,) as trustees; and

Whereas, It is believed that such exchange can be made without in any manner endangering the security of the School Fund.

Therefore be it declared by the people of Texas, in Convention assembled, That the Washington County railroad is hereby made and declared to be a branch of the Houston and Texas Central railroad, and shall henceforth be known and called the Western Branch of the Houston and Texas Central Railway, and shall be controlled and managed by the said Houston and Texas Central Railway Company; and the Houston and Texas Central Railway Company shall have the right to extend the said Western Branch of their road from the town of Brenham, in Washington county, to the city of Austin, in Travis county, by the most eligible route, as near an air line as may be practicable.

SECTION 2. For the whole amount of principal and interest due to the State by the said Houston and Texas Central Railway Company and the Washington County Railway Company on the first

day of July, A. D. 1868, including the sums paid by each of said companies in the treasury warrants or bonds of the State, the Provisional Government shall accept from the Houston and Texas Central Railway Company the seven per cent. land grant sinking fund first mortgage gold interest bearing bonds of said company; which said bonds are also payable in gold, and are issued, or to be issued by virtue of a deed of trust executed by said company on the first day of July, A. D. 1866, in which deed of trust Shepherd Knapp and David S. Dodge, of the city of New York, are trustees; and the Governor shall, after making the exchange, cancel and deliver to said company the six per cent. bonds of the Houston and Texas Central Railway Company, and of the Washington County Railway Company, now held by the State for sums borrowed from the Special School Fund; and the exchange of bonds and settlement herein provided for, shall be made at any time between the passage of this declaration and the first day of December, A. D. 1868; provided that the said Houston and Texas Central Railway Company shall never issue an amount of the said seven per cent. bonds above described to exceed twenty thousand dollars to the mile of completed road, including such bonds as have already been issued; nor shall said company ever issue any other bond that shall rank as a first mortgage bond on their road, without first paying the whole amount of the indebtedness of the company to the State.

SEC. 3. The Houston and Texas Central Railway Company is hereby authorized, any former laws to the contrary notwithstanding, to build its main trunk from the present northern terminus, by the most eligible route, to be selected by the engineer or engineers of the company, to any point on Red River within thirty miles of the town of Preston, in Grayson county.

SEC. 4. This declaration shall take effect from and after its passage; provided that all laws and parts of laws concerning the said Houston and Texas Central railroad, or said Washington county railroad, not in conflict with the foregoing provisions, shall be considered as still in force; and provided further, that the government of the State shall be at any time authorized to interfere by such measures as may be thought necessary by the Legislature to prevent neglect of said railroads, so that the same may always remain a competent security to the State for the amount due as above set forth.

Passed August 29, 1868.

REPORT

Of Committee on Counties and County Boundaries.

DECLARATION CREATING THE COUNTY OF WEBSTER.

SECTION 1. Be it declared by the people of Texas in Convention assembled, That a new county, to be called Webster, is hereby established out of portions of the counties of Fannin and Lamar, bounded as follows, to wit: beginning at a point on the south boundary line of Lamar county, seven miles east of its west boundary line; thence north to Red river; thence west with the meanders of said river to the mouth of the Bois d'Arc creek, and with the meanders of said creek to a point ten miles west of the east boundary line of Fannin county; thence south to the south boundary line of Fannin county; thence east with the south boundary lines of Fannin and Lamar counties to the place of beginning.

SEC. 2. Be it further declared, That it is hereby made the duty of the people of said county of Webster to proceed to organize said county, in strict conformity to an act entitled "An Act, approved March 20, 1848, for the Organization of New Counties."

SEC. 3. Be it further declared, That it shall be the duty of the County Court of Fannin county, as soon as is convenient, after the passage of this declaration, to organize the said county of Webster, by holding elections for the purpose of electing all county officers, or recommending suitable persons to the commander of the Fifth Military District to fill said offices.

SEC. 4. Be it further declared, That it shall be the duty of the people of said county, after its organization is completed, to hold an election for the purpose of locating the county site, and a majority voting in the election shall determine the location of said county site.

SEC. 5. Be it further declared, That in all general elections the people shall vote with the counties from which they were taken, until said county of Webster shall be entitled to separate representation.

SEC. 6. Be it further declared, That that portion of the people of Webster formerly contained in Lamar county shall pay, *pro rata*, their proportion of the public debt due by Lamar county at the adoption of this declaration, to be ascertained by commissioners appointed for that purpose by the County Courts of Webster and Lamar counties.

SEC. 7. Be it further declared, That the *pro rata* tax hereinbefore mentioned shall be collected in accordance with the plan adopted

by Lamar county for the extinguishment of its public debt; provided, however, that the County Court of Webster county shall only enforce the collection of twenty-five per cent. annually of the *pro rata*; and, provided further, that no tax shall be levied for this purpose prior to the year 1869.

SEC. 8. Be it further declared, That section 4 of this declaration be amended as to read: "Honey Grove is hereby declared to be the county site of Webster county."

SEC. 9. Be it further declared, That this declaration take effect and be in force from and after its passage.

DECLARATION CREATING THE COUNTY OF DELTA.

SECTION 1. Be it declared by the people of Texas in Convention assembled, That all the territories comprised within the following boundaries shall be a new county, to be called the county of Delta: beginning in the county of Hopkins, at a point the confluence of the North and South Sulphur, prongs of the Red river; thence south with the south fork of Sulphur to a point, the confluence of South and Middle Sulphur; thence up Middle Sulphur to the 96th degree of longitude; thence with said line north to a point where said line crosses North Sulphur; thence with the meanders of said North Sulphur to the place of beginning; provided, that the county seat of Hopkins county shall be removed from Tarrant to Sulphur Springs.

SEC. 2. And be it further declared, That it is hereby made the duty of the County Court of the county of Hopkins to organize said county of Delta, in strict conformity to an act entitled "An Act to Organize New Counties," approved March 20, 1845.

SEC. 3. It is hereby further declared, That it shall be the duty of the people of said county to recommend to the Commanding General of the Fifth Military District suitable persons to fill all the offices in said county; provided, however, if no election shall be held for that purpose, then application is to be made to the military commander.

SEC. 4. And be it further declared, That the qualified registered voters of said county shall locate the county seat, a majority of those voting for that purpose shall be sufficient.

SEC. 5. It shall be the duty of the County Court to levy a special tax, which shall not exceed in amount that collected by the laws now in force; and said Court is hereby authorized to issue county bonds, payable in five years from the date of issuance. Interest upon said bonds shall be paid yearly. The bonds and taxes so collected to be used in building a court house and jail for said county.

DECLARATION CREATING THE COUNTY OF RICHLAND.

SECTION 1. Be it declared by this Convention, That the following territory, to wit: beginning at the northwest corner of Freestone county, Texas: thence running south 60 degrees west to eastern boundary of McLennan county, to the northeast corner thereof; thence on a straight line to the northwest corner of Ellis county; thence north 60 degrees east with the southeast line of the same to a point opposite the place of beginning; thence south thirty degrees east to the place of beginning, shall be and constitute a new county, to be called the county of Richland.

SEC. 2. That the Commanding General of the Fifth Military District is hereby requested to appoint a County Judge, County Clerk, and all other officers to which a county in Texas is entitled, in and for said county.

SEC. 3. That the County Judge and County Commissioners of said county, upon their qualification, shall proceed to select the county site thereof.

SEC. 4. That the said county, for the purpose of District Court jurisdiction, shall be and remain for the present a part of Hill county, Texas.

Passed August 26, 1868.

DECLARATION

Appropriating $50,000 for the pay of members and employes of the Convention.

Be it declared, That the sum of $50,000, or so much thereof as may be necessary, out of any moneys in the Treasury, collected under the provisions of the special tax levied by this Convention at its last session, be and the same is hereby appropriated for the payment of the mileage and per diem of members and pay of employes of this Convention.

That the check of the Secretary, and countersigned by the President, shall be sufficient for the Comptroller to issue his warrant upon the Treasurer in furtherance of the provisions of this declaration.

Passed December 10, 1868.

DECLARATION

Authorizing the payment of the newspaper proprietors who published the Constitution, and appropriating $3,200 therefor.

Be it declared by the people of the State of Texas in Convention assembled, That the sum of thirty-two hundred dollars ($3,200), or so much thereof as may be necessary, be appropriated out of any money in the Treasury, not otherwise appropriated, to defray the expense of printing and distributing the Constitution as far as it has been passed upon, and that the Comptroller be instructed to draw his warrant upon the Treasurer for the amounts due the several proprietors of newspapers who published the same under the order of this Convention; that the President and Secretary certify to the accuracy of the accounts, which shall be a sufficient voucher for the Comptroller to draw his warrant.

Passed December 10, 1868.

DECLARATION

Authorizing the levying and collecting a Special Tax in Falls and McLennan counties.

SECTION 1. Be it declared by this Convention, that the county Judges respectively, of the county of McLennan and the county of Falls, shall cause polls to be opened, and an election to be holden at the town of Waco, in McLennan county, and the town of Marlin, in Falls county, within forty days from the final passage hereof by this Convention, or as soon thereafter as practicable; and shall give public notice of said election for at least twenty days by publication in newspapers, posters or bills.

SECTION 2. At said election, so holden, the qualified voters of each county, shall determine by ballot, whether a special tax shall be assessed and collected upon all the property in their said respective counties, taxable under the laws of this State, to aid in the construction of the Waco Tap Railroad; and at said election the voters in favor of said special tax shall write or print upon their ballot the words "for the tax," and those opposed to the special tax shall write or print upon their ballots the words "against the tax."

SECTION 3. Said county Judges shall, on the day or days respectively designated by them for the election, open the polls at the court

houses in their counties, and with the assistance of two clerks to be appointed by them respectively, shall give to each qualified voter in their respective counties, a full and fair opportunity to cast his ballot freely as he may choose. The polls shall be oponed at ten o'clock A. M., and shall be closed at four o'clock P. M., for two successive days. The said county Judges, assisted by their clerks, shall count out the ballot, and shall file in the county clerk's office of their respective counties a full statement of said vote.

SECTION 4. Should a majority of the votes cast in either or both counties be "for the tax," then the County Court of either or both counties thus voting, shall enter an order on the minutes of the said court declaring that the special tax provided for by this declaration is imposed, and shall be assessed and collected; and shall enter an order that the assessor and collector of the county do proceed to assess and collect the same.

SECTION 5. It shall be the duty of the assessor and collector of the county, in obedience to said order, to make immediately an assessment of three per cent. *ad valorem* of all the property in his county taxable under the laws of the State in force, and to collect the same in manner as follows: one cer cent. thereof on or before the first day of July, 1869, and one per cent. thereof on or before the first day of Debember, 1869, and the remainder on or before the first day of June, 1870; and in assessing and collecting this tax the assessor and collector shall conform to the several laws in force at the time, so far as the same may be applicable, and not inconsistent herewith.

SECTION 6. The Deeds of the assessor and collector to property sold for taxes assessed by virtue of this declaration, shall be good and effectual to convey the title, and shall be conclusive evidence that all the requisites of the law have been complied with, and shall be subject to be impeached only for fraud; Provided that the owners of the property thus sold (if it is real estate) shall be entitled at any time within twelve months after sale, to redeem the same by paying to the purchaser five times the amount paid by him for the land, and five times the amount of taxes that may have been paid by said purchaser on said property since the sale.

SECTION 7. The assessor and collector, before entering upon his duties under this declaration shall give bond, with two or more good and sufficient securities, in the sum of twenty-five thousand dollars, conditioned for the faithful performance of his duties under this declaration, and payable to the President and Directors of the Waco Tap Railroad Company, and to be approved by them; and said bond to be filed in the office of said Company, and suit thereon shall lie for breach of any of its conditions to the full amount in favor of

said Company. The assessor and collector shall receive for compensation for duties under this declaration one half the amount allowed by general laws for similar duties; and he shall pay over to the Treasurer of the Waco Tap Railroad Company the money collected under this declaration, as fast as the same may be collected, and shall take duplicate receipts of the treasurer for the same, one of which shall be filed in the office of the county clerk of his county.

SECTION 8. The assessor and collector shall give to each tax-payer under this declaration his official receipt for the sum paid or collected, which receipt may be consolidated, and shall, when presented to the President and Directors of said Waco Tap Railroad, in sums of fifty dollars, entitle the holder thereof to receive a certificate of paid up stock in said road for one share, and an additional share for each additional fifty dollars of receipts; which certificates shall entitle the holders to all the rights and privileges of stockholders in said railroad company.

SECTION 9. In case of vacancy in the office of county Judge or his absence, inability or refusal to act, any one of the county Commissioners may discharge his duties under this declaration. By qualified voters, as mentioned in this declaration, is meant registered voters, who shall vote only in the counties in which they are registered.

SECTION 10. If a new Constitution for the State of Texas, shall go into force and effect before the provisions of this declaration shall have been executed, and by the provisions of the same or the laws passed in pursuance thereof, the tribunal or any of the officers charged with the execution of this declaration, shall cease to exist, as provided for by existing laws, then the tribunal or tribunals, and officer or officers succeeding under the new Constitution and laws to the jurisdiction and duties now held, exercised and discharged by the tribunals and officers named in the preceding section of this act, shall be required to execute the provisions of this declaration; and if additional legislation shall be deemed necessary to carry out and effectuate the provisions of this declaration, the same shall be enacted, by the first legislature convening under the new Constitution, and this declaration shall take effect from and after its passage by this Convention.

Passed December 11, 1868.

DECLARATION

To incorporate the East Texas Agricultural and Mechanical Association.

SECTION 1. Be it declared by the people of the State of Texas in Convention assembled, that there is hereby created a body corporate and politic, to be styled the "East Texas Agricultural and Mechanical Association." Said corporation shall be capable of suing and being sued, in any and all courts whatever, to use a common seal, to alter or change the same at pleasure, to make contracts, and make and enforce the necessary by-laws, rules and regulations, to carry into effect the objects of this charter, the same not to be inconsistent with the Constitution and laws of the United States or of the State of Texas.

SECTION 2. That said corporation shall be enabled to purchase and hold such real and personal property as may be necessary to effectuate and sustain the object of its creation, which is hereby declared to be to encourage and promote the development of the Agricultural and Mechanical interests of the State.

SECTION 3. That the officers of the Rusk county Agricultural Society, to-wit: W. W. Morris, President; James R. Armstrong and Robert Dansby, Vice Presidents; Thomas Loyd and J. N. Still, Secretaries; and A. B. Collins, Treasurer and W. R. Marshall Corresponding Secretary; are hereby authorized to open books at the town of Henderson, for subscription to the capital stock of said corporation in such amount only as may be necessary for the legitimate objects of said association, to be determined by them. The said capital stock to be divided into shares of ten dollars each in specie; and not to exceed in the aggregate the sum of fifty thousand dollars. In the election by stockholders each share shall be entitled to one vote, but no stockholder shall be entitled to more than ten votes.

SECTION 4. That said corporators shall give notice in the Henderson "Times" of the opening of said books, which shall be kept open for thirty days or longer, if they may deem it necessary, to obtain the requisite amount of stock.

SECTION 5. That at the time of subscribing, the whole amount of said share or shares, shall be paid in. Said stock shall be deemed personal assets, and shall be transferred only on the books of said corporation by the person owning the same, or his legally constituted agent, attorney, legal representative, trustee or guardian, and said stock shall ever be held subject to any demand due from the stockholder to the said corporation before or at the date of the transfer.

SECTION 6. No dividends shall ever be declared or paid on said stock for more than the rate of twelve per cent. per annum on the sum paid in; the funds accruing above this to be faithfully devoted to the objects of the corporation.

SECTION 7. On the subscription and payment of the stock advertised for by said corporation, they shall proceed to an organization. The affairs and business of the company shall be managed by a board of directors not less than five nor more than seven in number, who shall annually be elected by the stockholders, the day of election to be fixed by said corporators; they shall hold their offices for the term of twelve months, and until their successors are elected and enter upon the discharge of their duties. Should the stockholders fail to meet at any time and elect directors, the directors in office shall appoint a day for a special election. Thirty days' notice shall be given of all elections for directors. No person shall be eligible as a director, secretary or treasurer unless he owns at least two shares of the capital stock of said company. The said board shall elect a president and vice-president from their number, fill vacancies, appoint a treasurer and secretary, and such other officers as they may deem necessary, and require bond and security for the faithful performance of their official duties, if they see fit, and do all other acts or things they may deem necessary in conducting the business of said company, not in contravention of the Constitution and laws of the United States, or the State of Texas. A majority of said board of directors shall constitute a quorum to do business.

SECTION 8. Instruments or contracts in writing, authorized by the company, shall be signed by the president and countersigned by the secretary, with the seal of the company affixed; and the said company shall be bound by the parol contracts made by their authorized agents within the scope of their authority conferred by resolutions of the board of directors.

SECTION 9. That the stockholders in said corporation shall be liable in a just ratio or proportion to the amount of their stock held or subscribed, for all debts incurred or created during their said ownership of said stock, to the extent of the amount of their stock subscribed.

SECTION 10. That said corporation may receive and hold by gift, grant or bequest, for the benefit of the same, any lands, money, labor, material or other property; but the whole amount of property to be held by said company shall not exceed fifty thousand dollars.

SECTION 11. That said president and board of directors shall have power to make all necessary rules and regulations for the holding of their Fair, and for the preservation of order and the protection of the fair grounds from imposition, disturbance, or breaches of

the peace during the time of holding the fairs. At the commencement of said fairs, said rules shall be conspicuously posted on the entrance gate thereof, and any person who shall wilfully violate any of said rules or regulations shall be subject to a fine not exceeding fifty dollars, to be recovered by complaint or indictment in any court having jurisdiction of such offenses.

SECTION 12. That nothing in this declaration shall impair the rights of any creditor of the late Rusk County Agricultural Society, to any lien on the property of said society for the payment of advances to the same, in money, material or labor; but said debts shall be assumed and paid by the corporation hereby created, and the said corporation shall settle with the members af the Rusk County Agricultural Society, for the amouut they have each paid in to become members thereof by refunding the money they have so paid in, or by giving them free tickets to the fairs, for such time as may be agreed on, or such other mode of adjustment as may be satisfactory to both parties.

Passed December 11, 1868.

DECLARATION

Increasing the per diem pay of the President of the Convention.

It is hereby declared, by the people of Texas in Convention assembled, That the presiding officer of this house, in consequence of his incessant and unremitting labors, and the necessary privations to which he is unavoidably subjected during its session, from which the individual members of this body are exempted, is entitled to, and ought to receive, double pay for his services; it is accordingly ordered as the sense of this house, that his *per diem* be so fixed and established for the full period of the present session of the Convention.

Passed December 16, 1868.

RESOLUTION

In relation to newspapers.

Resolved, That the Secretary of the Convention be instructed to subscribe for one thousand copies of the Austin Daily Republican,

five hundred copies of the San Antonio Daily Express and five hundred copies of the San Antonio tri-weekly Free Press, for the use of the members of this Convention; provided, that said papers publish the daily journals of the Convention and that the price shall not exceed eight cents per copy.

Resolved 2. That the proprietors of the above mentioned journals be allowed eight cents per copy for the papers furnished this Convention since 7th instant; provided, the number of papers furnished does not exceed one thousand copies per day of the Austin Daily Republican, and five hundred of the San Antonio Daily Express and tri-weekly Free Press.

Passed December 19, 1868.

RESOLUTION

Tendering thanks of Convention to Major General J. J. Reynolds.

Resolved, That this Convention has heard with regret of the removal of Brevet Major General J. J. Reynolds from the command of the Fifth Military District, by the order of the President, and that the thanks of this Convention are hereby tendered to General Reynolds for the faithful and impartial manner in which he has executed the laws of Congress, and especially for his efforts in suppressing lawlessness and violence in the State.

Resolved, 2. That an official copy of these resolutions be forwarded to him.

Passed December 18, 1868.

DECLARATION

Appropriating fifteen thousand dollars to pay contingent expenses of the Convention.

Be it declared by the people of Texas in Convention assembled, That the sum of fifteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the printing and contingent expenses of the Convention.

Be it further declared, That the certificate of the Secretary of the Convention, approved by the President thereof, shall be a

sufficient voucher to authorize the Comptroller to draw his warrant upon the Treasurer for the various items of printing and contingent expenses, to meet which this appropriation is made.

Passed December 21, 1868.

DECLARATION

Continuing the charter of the Union Marine and Fire Insurance Company.

Be it declared by the Convention of the people of Texas, That the charter heretofore granted by the Legislature of the State of Texas to "The Union Marine and Fire Insurance Company," by act of said Legislature, approved January 26, 1848, entitled "an act to incorporate the Union Marine and Fire Insurance Company," and the amendment thereto, passed August 13, 1856, entitled "an act to amend an act to incorporate the Union Marine and Fire Insurance Company," approved January 26, 1848, be and the same is hereby continued in force until the adjournment of the first Legislature of the State of Texas, meeting after the adjournment of this Convention.

Passed December 21, 1868.

RESOLUTION

Granting per diem pay to Messrs. Vaughan and Posey from the commencement of the second session.

WHEREAS, F. A. Vaughan and W. H. Posey, members from Guadalupe and Lavaca counties, having been detained by sickness and high water, causing a delay of a few days in reaching this place. Therefore, be it resolved, That Messrs. Vaughan and Posey be paid their per diem from commencement of session.

Passed December 21, 1868.

A DECLARATION

Reviving the act incorporating the Galveston Dry Dock Co., &c.

Be it declared by the people of Texas, in Convention assembled, That L. M. Hitchcock, Tipton Walker, M. V. McMahan, William H. Hawkins, B. Tiernan and Daniel A. Sullivan and their associates, be and are hereby invested with all the rights, privileges, grants and franchises heretofore made and conferred upon the Galveston Dry Dock Company, by virtue of an act of incorporation, approved February 16, 1852, and by subsequent laws, approved February 7, 1853, and February 8, 1858, and that the above-named corporators be and they are hereby invested with all the powers, rights, privileges, franchises and grants, made under and by virtue of said acts, and that no lapse or limitation of time shall effect the same.

Provided, however, That the said incorporators and their associates shall build, or cause to be built, a dry dock within two years from the first day of January, A. D. 1869.

That this declaration take effect and be in force from and after its passage.

Passed December 22, 1868.

DECLARATION

For the relief of Houston and Texas Central Railway Company.

It is hereby declared by the people of Texas in Convention assembled, That the Houston and Texas Central Railway Company shall not suffer any forfeiture of any rights secured to it by existing laws, by reason of the failure of said company to construct and put in running order their said railway to the town of Calvert, in Robinson county, by the first day of January, A. D. 1869, as required by act of the twenty-first of September, A. D. 1866, provided said railway shall be constructed and put in good running order for the use of the public, to the said town of Calvert, by the first day of April, A. D. 1869.

Passed December 23, 1868.

RESOLUTION

Respecting Houston Union.

Resolved, That the proprietors of the Houston Union, a newspaper published at Houston, Texas, be paid the sum of four hundred dollars out of any moneys in the treasury not otherwise appropriated, for publishing and distributing five thousand copies of the constitution, as far as has been engrossed; and that the Secretary draw his certificate (to be approved by the President) on the treasury for said sum, in favor of said proprietors.

Passed December 29, 1868.

RESOLUTION

Requesting the Congress of the United States to call into service a regiment of Texas cavalry, to repel Indian invasion.

WHEREAS, The people residing in the frontier counties of this State are subject to almost monthly incursions from predatory bands of Indians, resulting in the loss of immense numbers of horses, the frequent murder of citizens, and carrying into captivity women and children; and,

WHEREAS, These predatory bands will, in all probability, be reinforced by the tribes recently defeated on the plains by Major-General Sheridan; and

WHEREAS, The troops at the disposal of the Commander of the Fifth Military District are believed to be insufficient for the work of enforcing law and order in the interior, and giving protection to the people on the frontier; therefore, be it

Resolved by the delegates of the people of Texas in Convention assembled, That the Congress of the United States be respectfully but earnestly requested to call into the service of the United States one regiment of Texas cavalry volunteers, for the period of one year, which regiment shall serve upon the Texas frontier and form a portion of the active force operating under the command of the officer commanding the Fifth Military District. And that the President of this Convention send certified copies of this resolution to the President of the Senate and Speaker of the House of Representatives.

Passed December 28, 1868.

DECLARATION

Supplemental to a declaration in relation to the International Pacific Railroad Company, passed August 10, 1868.

WHEREAS, The Legislature of the State of Texas, by an act approved the tenth day of February, A. D. eighteen hundred and fifty-four (1854) entitled "An act to incorporate the Brazos Branch Railroad Company," did grant a charter to the Brazos Branch Railroad Company, and, by other acts supplemental thereto, did extend the same; and

WHEREAS, Said company did organize under said charter, and has, within the last two years, in good faith, expended large sums of money in accordance with the provisions of said charter; and

WHEREAS, Said company has in good faith obtained the control and ownership of the Henderson, Marshall and Jefferson railroad charter, with the intention of complying with the provisions of said charter, and constructing a continuous line of railroad from the eastern boundary of the State of Texas, in a southwesterly direction through the State; and

WHEREAS, Said company have organized and been long earnestly engaged in pressing forward their enterprise, and engaging in its behalf the favorable co-operation of capitalists; and

WHEREAS, There is now pending before the Congress of the United States a bill entitled "A bill to aid in the construction of the International Pacific Railroad, from Cairo, in Illinois, to the Rio Grande river; to authorize the consolidation of certain railroad companies; and to provide homesteads for the laborers on said roads; and

WHEREAS, The Convention of the State of Texas, by a declaration passed August 10, eighteen hundred and sixty-eight (1868), did memorialize Congress, requesting the passage of said bill, and did also grant to said companies the right of way through the State; therefore,

Section 1. Be it hereby declared by the people of Texas in Convention assembled, That the said Brazos Branch Railroad Company be, and the same is hereby revived and incorporated, under the name of the "International Pacific Railroad," with all the rights, grants, immunities, franchises and privileges conceded in said original charter not inconsistent with this ordinance.

Sec. 2. Be it further declared that the line of said International Pacific Railroad in Texas be, and the same is hereby more clearly defined to commence at or near a point on the eastern boundary line

of the State of Texas, where the States of Arkansas and Louisiana join, and to run in a southwesterly direction to the Rio Grande river to or near Laredo, with the right of way the width of two hundred and fifty feet for a double track, and to aid in the construction of said road. There is hereby granted to said company sixteen sections of land to the mile of track laid on said line; and all the timber, stone, lime rock and fuel, from the public unlocated lands, that may be necessary for the construction and maintenance of said road; and if said company complete said road, between said points, within six years from the passage of this declaration, its right to the public land herein granted shall become absolute.

Sec. 3. Be it further declared, That said company shall have the right to vary the gauge of said road and branches, in Texas, so as to correspond with the uniform gauge from Cairo; and to use steel rails of less weight than iron rails required by law, without impairing the right of said company to the benefits granted to other railroads by the general laws of the State of Texas.

Sec. 4. Be it further declared, That said company shall have the sole right of constructing and operating telegraph lines along said road and branches, and the right of building the necessary switches, turnouts, stations and machine shops; of acquiring lands by gift, purchase or otherwise, and selling or disposing of the same; of acquiring buildings and using wharves and depots, and exercising all wharf privileges; of establishing and maintaining all the necessary agents to carry on their business, and exercise in Texas all the grants, privileges and franchises which shall be conceded by Congress or the Mexican Government, in aid of the great work of constructing an international Pacific railroad from Cairo to the Pacific Ocean.

Sec. 5. Be it further declared, That said International Pacific Railroad Company shall be entitled to all the grants, privileges, immunities and franchises conceded by the laws of Texas, or that may hereafter be conceded under any general law, to any other railroad company.

Sec. 6. Be it further declared, That the said International Pacific Railroad Company shall have the further right to extend two branches of said road from points of intersection to the Gulf of Mexico, and one branch on the old Brazos Branch line, from a point of intersection eastwardly into the Long Leaf Pinery, and the right of way of two hundred feet on the branches, with all the rights, privileges, grants and franchises conceded to the main trunk of the International Pacific Railroad.

Sec. 7. Be it further declared, That the said International Pacific Railroad be, and is hereby authorized to have an office without the State, for the transaction of business, with the necessary officers, who

may be citizens of other States; provided, said company shall be required to keep an office within the State for transacting business, at which shall be kept original or duplicate books of its accounts; and the President, Secretary and Treasurer, or assistant officers of like grade, shall be residents of the State.

Passed January 2, 1869.

DECLARATION

To incorporate the Belton Bridge Company.

Section 1. Be it declared by the people of the State of Texas in Convention assembled, That W. A. Miller, R. M. Cox, Elisha Embree, D. R. Hill and Silas Bagget, of Bell county, Texas, and W. C. Brown, of Houston, Texas, and John T. Flint, of Waco, Texas, and such other persons as they may associate with them and their successors in office, be, and they are hereby created a corporation under the name and style of the "Belton Bridge Company;" and in that corporate name may sue and be sued, plead and be impleaded, may have a corporate seal, and may hold and own such real and personal property as may be necessary to carry out the objects of this charter, not to exceed in value fifty thousand dollars.

Sec. 2. That it shall be the duty of said company to build and maintain a good, safe, and substantial bridge across the Leon river, in Bell county, at or within one mile of the crossing of said river, known as the "Hill crossing," near Belton.

Sec. 3. That said bridge shall be commenced within one year and completed within two years from the commencement thereof, from the passage of this declaration; otherwise, this charter will be forfeited. And, when completed, it shall be the duty of said company to keep the said bridge and the approaches to the same in good repair, and to keep in constant attendance, at the toll gate of the same, a person to admit persons and property to cross at all times, by day and night; and the said company shall be responsible in damages to any person or persons injured or damaged in person or property, or unreasonably delayed by its failure to comply with the requirements of this section.

Sec. 4. That whenever the County Court of Bell county, upon examination, shall consider said bridge to be not in a good and safe condition for crossing, they may cause the gates thereof to be thrown open for the free crossing of the public, and so to remain until said company shall place said bridge in good repair.

Sec. 5. That the said company is hereby authorized and empowered to demand and receive from each and every person crossing said bridge, or crossing their property over the same after its completion, a toll not to exceed the following rates, to-wit: For each wagon, cart, carriage, or other vehicle drawn by more than two horses or other animals, ten cents per wheel and two and one-half cents for each animal by which the same is drawn; and when the same is drawn by two animals, five cents per wheel and two and one-half cents for each animal; and if drawn by one animal, five cents per wheel; for each animal and rider, ten cents; for each horse, animal of the cattle kind, and for each loose horse, mule, jack or jennet, three cents; for each sheep, hog or goat, two cents; for each foot passenger, five cents.

Sec. 6. That no person shall be authorized or allowed to erect any bridge or to keep any ferry across said Leon river at, or within three miles of the point at which the bridge herein authorized shall be located, after the same is completed. The present ford of the river shall not be obstructed.

Sec. 7. That this charter of incorporation continue and remain in force for twenty-five years from and after the completion of said bridge; and that this declaration take effect and be in force from and after its passage.

Passed December 30, 1868.

A DECLARATION

Incorporating the Bolivar Point, East Texas and Red River Railroad Company.

Section 1. Be it declared, That Levi Jones, A. Buffington, A. T. Munroe, J. R. Burnet, A. M. Bryant, M. L. Armstrong, A. Bledsoe, N. V. Board, P. P. Adams, J. W. Flanagan, John Munroe, and C. T. D. Harn, and such other persons as they may associate with them, are hereby declared to be a body politic and corporate, under the name and style of the "Bolivar Point, Eastern Texas and Red River Railroad Company," and by such name may sue and be sued, have a seal and perpetual succession, and shall have the right to have and to hold real and personal property in this State to the amount of ten millions of dollars.

Sec. 2. That said company shall have the right to construct a first class double or single track railroad from the water's edge nearest to the middle channel of Galveston Bay, on said Bolivar Point, then

along Bolivar Peninsula to the main land. thence northwesterly to a point on Red River, not to exceed fifty miles distant from the town of Warren, with the right to vary to meet the wants of the people of the section, not to exceed a distance of sixty miles from a straight line from the main land at Bolivar Point, to the designated point on Red River, with the right to build branch roads at any point along their line in an easterly or westerly direction to the Sabine or Trinity River, with the same rights to said branches as herein granted to the main route.

SEC. 3. Said company shall have the right of way along their entire route, not to exceed two hundred feet in width, over all lands of the State, and the free use of rocks, timber, gravel and earth thereof, and the terms of the general laws of this State to procure the release of the right of way from the owners of lands along the route, and shall also have the right to construct and operate a telegraph line along their entire route.

SEC. 4. Said company shall have the right to procure, hold and use piers and wharves at Bolivar Point, for the use of the road, and to build and construct bridges across streams along their line or the line of their branches; provided, that no right is here given to obstruct navigation.

SEC. 5. The capital stock of said company shall be five millions of dollars, divided into shares of one hundred dollars each.

SEC. 6. Said company shall organize on or before the first day of July, 1869, and shall open books for subscriptions to the capital stock of said company, for at least six months, and as much longer as they may see fit, at least at three places in Texas.

SEC. 7. Said company shall commence the construction of their road on Bolivar Point, and shall have completed and in running order at least twelve and a half miles of their road by the first day of January, 1872, and at least twelve and a half miles additional for every twelve months thereafter until completed, or they are relieved from this obligation.

SEC. 8. Said company shall receive from the State of Texas the same aid in lands that has been or may hereafter be granted to the most favored company in the State.

Passed December 30, 1868.

RESOLUTION

Congratulatory of the appointment of Major General Canby to the command of the Fifth Military District.

WHEREAS, Major General E. R. S. Canby has been placed in command of this Military District, and, whereas, we recognize in our new commander a gallant soldier of the nation, whose meritorious services during the late rebellion, and whose patriotism and wisdom, as shown in his administration of the Reconstruction Acts in the Carolinas, recommend him to the full confidence of the loyal people of this State; therefore be it

Resolved by this Convention, That we cordially welcome General Canby to our State, and express our confidence in him as the Military Commander of this District, and our full faith in his ability and disposition to administer its affairs to the enforcement of law, the maintenance of order and the good of the loyal people thereof.

2. That a copy of this preamble and resolution be enclosed by the President of this Convention to General Canby.

Passed January 2, 1869.

DECLARATION

Creating the county of San Jacinto.

Be it declared by the representatives of the people of Texas, in Convention assembled, That the territory comprised within the following boundaries be, and the same is hereby erected, into a new county, to be called the county of San Jacinto.

SEC. 1. Beginning in the channel of Trinity river, at a point opposite the mouth of Carolina Creek, in Walker county, running in a due line from thence to the head of the east branch of Peach Creek, in Montgomery county, thence down the channel of said Peach Creek to a point parallel with the thirteeth parallel and twenty minutes north latitude, in said Montgomery county; thence on a due line through one corner of Liberty county, to the channel of Trinity river, at the same point where the present southern line of Polk county crosses the channel of said Trinity river; from thence up the channel of said Trinity river with its meanderings to the place of beginning.

SEC. 2. That the town of Cold Springs, in the present county of

Polk, shall be the county seat, or seat of justice, of said county of San Jacinto.

SEC. 3. That it is hereby made the duty of the County Court of Polk county to proceed immediately after the adoption of this declaration, to organize said county of "San Jacinto," and to appoint Levi L. McMicken, John Jackson and James Hogue as Commissioners, with full powers and authority to superintend and conduct an election, at the first general election hereafter held, for county officers, such as other counties have, under the laws of this State.

Provided, however, That should there be no general election of county officers prior to the 21st day of April, A. D. 1869, then it shall be made the duty of the people of said new county, "San Jacinto," to recommend to the Commanding General of the Fifth Military District, or the Department of Texas, suitable persons to fill all the offices in said new county.

SEC. 4. Provided further, It shall be the duty of the County Court of said new county, after its organization, to levy a tax, which shall not exceed in amount that collected by the laws now in force, and said court is hereby authorized to issue county bonds, payable in five years from the date of issuance; interest upon said bonds shall be paid yearly. The bonds and taxes so collected to be used in building a court house and jail for said county of "San Jacinto."

Passed January 5, 1869.

RESOLUTION

Respecting the Indians of the frontier of Texas.

WHEREAS, The southwestern frontier of this State has suffered greatly, and still suffers, from the depredations of Indians of the Kikapoo, Pottawatomie, Muscogee and Seminole tribes, having their rendezvous in Mexico; and, whereas, said Indians were once under the jurisdiction of the United States Government, and now signify their wish, through Mr. C. W. Thomas, a reliable resident of Santa Roza, Mexico, to again be placed under the jurisdiction of the United States, to be removed to a reservation, and cease their depredations: therefore be it

Resolved, That the attention of the Federal authorities be drawn to this matter, and the Secretary of the Interior Department, or the proper authority, be requested to send, or authorize agents, or the authority to send, proper persons in Mexico to enter into negotiations with the above named Indians.

2. That this preamble and resolutions be transmitted to the Secretary of the Interior Department, President of the United States Senate, and Speaker of the House of Representatives, and Military Commander of this district, by the President of this Convention.

Passed January 5, 1869.

RESOLUTION

Respecting land certificate of Henry Koontz.

WHEREAS, On the 22d day of May, 1854, there was issued from the Adjutant General's office a bounty land certificate in favo of Henry Koontz, for three hundred and twenty acres of land, for his services in the army of the Republic in the years 1836 and 1837, as set forth in said certificate; and

WHEREAS, Said certificate was never located, but was lost, as will appear from evidence herewith accompanying; and

WHEREAS, The said certificate rightfully belongs to and is the property of Henry Koontz, Jr., the son and only heir of grantee, deceased, and who is still a minor and now about to attain his majority.

Therefore be it declared by the delegates in Convention assembled, That the Commissioner of the General Land Office issue a duplicate certificate in favor of the said Henry Koontz for three hundred and twenty acres of land, on the production of satisfactory evidence that such certificate was issued from the Adjutant General's office and was lost and never located.

Passed January 7, 1869.

DECLARATION

To incorporate the Galveston Canal Company.

SECTION 1. Be it declared, That James A. McKee, John M. Swisher, William H. Hawkins and M. V. McMahan, and their associates and successors be, and they are hereby constituted a body politic and corporate by the name and style of the Galveston Canal Company; and by the said name shall have succession for the term of thirty years. They shall plead and be impleaded, sue and be sued in any and all courts as fully as natural persons, and shall be

capable of contracting in law, and being contracted with, and shall hold and acquire of real estate or other property at the pleasure and will of said Company. The legal residence of the aforesaid company, shall be at Galveston, in the State of Texas.

SEC. 2. The capital stock of said company shall be fixed for the present at five hundred thousand dollars, subject to be increased by a vote of stockholders to one million of dollars; which said capital shall be divided into shares of stock of one hundred dollars each, and shall be paid up as may be ordered by a Board of Directors for the use and purposes of said company.

SEC. 3. This company is hereby authorized and empowered to make a canal through the flats that lie south of the present channel and inner bar, into the main Bolivar channel, diverging from the present channel at a short distance east of the late obstructions placed between the point of Pelican Sand Spit and the extreme end of Galveston Island; to pass eastwardly and thence southeastwardly, with such direction as to coalesce easily with the waters and current of the main channel from the outer bar, so as to give at all times twelve feet water in said canal, and make such other improvements in the navigation and outlet of the port of Galveston as they may deem advisable; and when said canal is completed and ready for use; the said company shall be authorized and empowered to levy and collect a tax or tariff of not more than twenty-five (25) cents a ton (tonnage) upon all vessels passing through said canal, both inward and outward, which tariff shall be levied in accordance with the tonnage registered in the Customhouse of Galveston. Provided, the present channel shall not be interrupted, leaving it open and free as at present.

SEC. 4. There shall be at least five directors annually elected by the stockholders of said company who shall hold their office for one year, or until their successors shall have been elected, and the company shall have power to make such by-laws and establish such offices, and appoint such officers as they may deem expedient for the welfare and operation of the company. In addition to the powers and privilege herein granted and authorized, they shall make and use a common seal, and be empowered to issue and negotiate their bonds not to exceed one hundred thousand dollars, in such sums as the Directors may determine, running from two to five years, and bearing interest at not more than ten per cent. per annum; and said company may issue, buy, sell and negotiate bills of exchange, and receive and pay deposit.

SEC. 5. That this declaration take effect from and after its passage.

Passed January 11, 1869.

DECLARATION

Incorporating the Phœnix Transportation Company.

SEC. 1. Be it enacted by the Convention of the State of Texas, That a body corporate and politic be, and the same is hereby created and established, to consist of Stockholders, Board of Directors, and such officers as may be necessary for a company or association of individuals, under the corporate name of the Phœnix Express and Transportation Company. Its domicile is hereby established in the city of Houston. The President shall be the proper officer upon whom may be served citations, notices and other legal processes against the corporation. It shall make and use a corporate seal, having for its device a Phœnix rising from its ashes, and for an inscription the name of the corporation.

SEC. 2. The purposes for which the Phœnix Express and Transportation Company is created and incorporated, and the nature of the business to be carried on and conducted in all its various branches and features, is the express and transportation business, to establish express and transportation routes, to own steam and other vessels; also its locomotives, cars, wagons, and other vehicles used for transportation purposes, to run its own locomotives and cars over all railroads, subject to existing laws, to make exclusive contracts to forward by railroads, steamboats, steamships, and other rapid modes of conveyance by sea or land, bank notes, coin, jewelry, valuables of every description, all kinds of merchandize, stock, animals, and all kinds of personal or movable property; to draw bills of exchange, to make collections of money, drafts, notes, and all other species of debts, claims and demands, and to insure articles of all kinds sent by express and otherwise, and generally to transact all business, direct and incidental, connected in any manner with the express and transportation business. Shippers and owners of goods shipped by this company, are not to hold it liable or responsible for any one package shipped by it for any amount exceeding fifty dollars, unless the value is stated at the time of shipment, so that proper charges may be made for the extra risk assumed.

SEC. 3. All the corporate powers of this corporation shall be vested in and exercised by a Board of Directors and such officers as they may create. The Board of Directors shall consist of five members of said company, to be elected by ballot, on the first Monday in May in each year, at such place in the city of Houston as the acting Board may designate, of which election they shall give at least fifteen days' previous notice by advertisement in one newspaper

published in the city of Houston, and they shall appoint three stockholders to preside as inspectors at such election. The Board thus elected shall take their seats the following Monday, and hold the same until their successors are elected. Those persons receiving a plurality of votes shall be considered and declared elected. The Board of Directors, at their first meeting, shall elect a President from among the Directors, who shall hold his office until his successor is elected. He shall preside at all the meetings of the company and of the Board of Directors, and shall conduct the business of the company generally, under the supervision of the Board of Directors, and in case of his absence or inability to act, a President *pro tem.*, may be appointed by the Board of Directors. The President shall sign all contracts and other papers, but, when necessary, may act through agents appointed by him. The Board shall have power to fill all vacancies that may occur in their number. The Board of Directors shall have power to appoint a Secretary and Treasurer, and all superintendents, agents, clerks, messengers, and other employes, and remove them at pleasure, and they may delegate this power to the President, subject to their supervision; they shall fix salaries of all officers and employes of the corporation, and may authorize the President to do so, and may also delegate such powers for the transaction of the ordinary business of the company, as they may deem expedient, and shall have full power to do all other acts which may be necessary for carrying into effect the purposes of this corporation.

SEC. 4. The company shall commence business as soon as ten thousand (10,000) dollars has been subscribed to its capital stock, and shall exist for and during the full term of fifty years from the date hereof, unless sooner dissolved in a manner hereinafter provided, during all of which time, in its corporate name aforesaid, it shall have and enjoy succession; shall sue and be sued, shall hold, receive, and purchase, sell, and otherwise convey, under its corporate name, property real and personal, movable and immovable. It shall make and establish such by-laws, rules and regulations for the proper management of its business and affairs, as may be necessary and proper, and shall possess generally all such powers and privileges as are given by law to corporations.

SEC. 5. The following named persons shall constitute the first Board of Directors:

T. W. HOUSE, J. J. MCKEEVER,
R. VAN SLYKE, WM. CHRISTIAN,
J. C. BADDWIN.

They shall open books and receive subscriptions to the capital stock, and are hereby invested with all the rights and powers speci-

fied in the preceding articles. They shall hold their office until the first Monday in May, 1869, or until others are elected in their place. A failure, from any cause, to elect Directors or other officers on the day named herein, shall not dissolve this association, but the Directors and other officers then in office, shall hold over until the election of their successors.

SEC. 6. The capital stock of this company is hereby fixed at the sum of seventy-five thousand (75,000) dollars, represented by fifteen hundred shares of fifty (50) dollars each, five per cent. of which shall be payable at the time of subscribing, and other instalments, not exceeding ten per cent., in any one month, as may be ordered by the Board of Directors. The corporation shall have power to increase its capital stock to any sum not exceeding three millions (3,000,000) of dollars. If any stockholder refuse or neglect to pay his instalments within thirty days after the specified time of payment, the Board of Directors reserve to themselves the right of causing any share upon which an instalment may be due, to be sold at public auction, after ten days' previous notice thereof, through any newspaper published in the city of Houston.

SEC. 7. Books for the registry and transfer of shares of the capital stock, shall be opened and subject to such restrictions as may be imposed by the Board of Directors, but not in any manner to conflict with any provisions of this act of incorporation. All transfer of shares shall be made in said books and signed by the shareholder, or his agent, or attorney. The Directors may close said books when necessary, but no period longer than fifteen days. Minutes of the proceedings of the Board of Directors shall be kept by the Secretary and verified by the President; and the President and Secretary shall sign all bonds, drafts, notes and checks, and may, with the consent of the Board of Directors, delegate the power to agents to be specially named. It shall be lawful for any stockholder that may desire to transfer his stock previous to full payment, to do so by a substitution of the party purchasing, subject, however, to the approval of the Board of Directors.

No stockholder shall be liable or responsible for the contracts or faults of the company in any amount exceeding the unpaid balance due on his stock. No mere informality in organization shall have the effect of rendering this charter null, or of exposing a stockholder to any liability beyond the extent of his stock.

SEC. 8. The stockholders of the company, at a general meeting to be convened for that purpose, after thirty days' previous notice in one newspaper published in the city of Houston, shall have the power to dissolve this association, with the assent of four-fifths of the stock represented at such meeting; the liquidation of the affairs

of the corporation shall be made by three commissioners appointed by the stockholders at a meeting convened for that purpose, after thirty days' previous notice in two newspapers, one published in San Antonio, and the other in Houston, and the commissioners shall have all the power necessary to wind up and close the business of the company.

Passed January 11, 1869.

DECLARATION

In regard to valid Land Certificates.

Be it declared, That no rights held by any individual or corporation, by virtue of a valid land certificate, shall be considered forfeited by reason of its failure to have been located or surveyed since the 2d day of March, 1861, under any laws heretofore passed, limiting the time for such location or survey, and the time for the location and survey of all such certificates, shall be extended until three months after the adjournment of the next Legislature.

Provided, this resolution shall not validate any land certificate issued for or to any Railroad company that has been declared valueless.

Passed January 11, 1869.

DECLARATION

Authorizing the Police Courts of Hays and Goliad counties to levy a special tax to build court houses at San Marcus and Goliad, the county seats of said counties.

Be it declared by the people of Texas, in Convention assembled, That the Police Courts of Hays and Goliad counties, in said State, be and the same are hereby authorized to levy a sufficient ad-valorem tax on all property situated in said counties respectively, to enable said counties to build court houses suitable for said counties, to be erected in the town of San Marcos, in the said county of Hays, and in the town of Goliad, in the said county of Goliad, the county seats of said counties respectively; said tax to be collected in the

same manner as other taxes due counties, are now authorized and required by law to be collected, and that this declaration take effect and be in force from and after its passage.

Passed January 13, 1869.

DECLARATION

To incorporate the Young Men's Real Estate Company.

SECTION 1. Be it declared by the delegates of the people of Texas in Convention assembled, That A. H. Longley. L. W. Collins and C. R. Johns, and their associates and successors, are hereby created and established a body corporate and politic, under the name and style of the "Young Men's Real Estate and Building Association of the city of Austin," with capacity in said corporate name to make contracts, to hold, buy and sell property; to contract and execute leases; to take grants and gifts; to execute deeds, mortgages and deeds of trust; to have succession and a common seal; to make a constitution and by-laws for the government and regulation of its affairs; to sue and be sued; to plead and be impleaded; to declare dividends and make divisions of property, and to do and perform all such things as may be necessary and proper for and incident to the fulfillment of its obligations and maintenance of its rights, under this declaration and consistent with the laws of the State.

SEC. 2. The capital stock of this association shall be thirty thousand dollars, with power and privilege of increasing the same to one hundred thousand dollars.

SEC. 3. Whenever stock to the amount of fifteen thousand dollars has been subscribed, and two per cent. on the same paid in, the association shall be deemed organized, and competent to transact business, and be entitled to all the grants and privileges conferred by this declaration.

SEC. 4. Service of any and all legal process in any suit or proceedings against the association shall be sufficient if made upon the President or Secretary of the Board of Directors.

SEC. 5. This declaration shall take effect and be in force from and after its passage.

Passed January 9, 1869.

RESOLUTION

Authorizing the Special Committee for the revision of the Constitution to employ a clerk.

Resolved, That the Special Committee of eleven on the Constitution, be authorized to employ a clerk, who shall receive the same per diem of other officers of the Convention, to be paid on the certificate of the Secretary and approval of the President.

Passed January 15, 1869.

DECLARATION

Attaching parts of Guadalupe county to Wilson county, and changing the name of Wilson county to that of "Cibolo."

SECTION 1. Be it declared by the people of Texas, in Convention assembled, That all that part of the county of Guadalupe lying and being south of a direct line running from the mouth of Martinez Creek, in the Cibolo river, to the extreme western corner of Gonzales county, be, and the same is hereby attached to, and shall hereafter constitute part and parcel of Wilson county.

SEC. 2. Be it further declared, That the name of Wilson county be, and the same is hereby changed to Cibolo county.

Passed January 19, 1869.

DECLARATION

For the relief of the Eastern Texas Railroad Company.

SECTION 1. Be it declared by the people of Texas, in Convention assembled, That the time within which the Eastern Texas Railroad Company are required to construct and put in running order fifty miles of their said road be, and the same is hereby extended until the first day of January, A. D. 1871, and all the rights, privileges and immunities conferred upon said Eastern Texas Railroad Company by the original act of incorporation of the same, and the subsequent acts amendatory thereof and for the relief of said company be, and the same are hereby renewed and revived in favor of said company.

Provided and upon condition, nevertheless, that said company shall, by said first day of January, A. D. 1871, have constructed and put in good running order said fifty miles of said road, and shall construct and complete at least fifty additional miles of their said road within every succeeding period of two years after said first day of January, A. D. 1871, until the same shall have been fully completed.

Passed January 15, 1869.

DECLARATION

Authorizing the County Court to levy special tax.

Whereas, many counties in the State of Texas, have been made bankrupt by the county court system now in force, and

Whereas, the county scrip of many counties is not worth and will not sell for more than twenty cents on the dollar, and

Whereas, county officers and creditors are put to great inconveniences and delay in obtaining their just and adequate dues from said counties for their services, and

Whereas, the county taxes authorized to be levied by the law now existing is wholly inadequate for such purposes,

Therefore be it declared by the delegates of the people of Texas in Convention assembled; That the county court of each and every county that may desire to avail themselves of the benefit of this declaration, be authorized to levy a county tax, sufficient to meet the demands of said indebtedness and embarrassment; provided, the tax so assessed shall not exceed the present tax for each county.

Passed January 16, 1869.

DECLARATION

Authorizing the Police Court of Houston County to levy a special tax.

Whereas, on the 2nd day of February, 1865, the court house of Houston county was destroyed by fire, and said county is without a suitable building in which to hold its courts, and said county is unable to build a court house without being permitted to levy a special tax for that purpose, therefore

Be it declared by the people of Texas in Convention assembled, that the police court of Houston county in said State, be, and is, hereby authorized to levy a sufficient *ad valorem* tax on all property

situated in said county, to build a court house suitable for said county, to be erected in the town of Crocket, the county seat thereof; said tax to be collected in the same manner as other taxes due counties, are now authorized and required by law to be collected, and that the tax may be levied for one, two or three years at the discretion of the said police court of said county, and that this declaration take effect and be in force from and after its passage.

Passed January 16, 1869.

DECLARATION

For the relief of the Southern Pacific Railroad.

Whereas, the Southern Pacific Railroad Company is indebted to the special School Fund, in a sum amounting on the first day of March, A. D., 1868, principal and interest to $202,625 00; and whereas, the declaration passed by this Convention on the 24th day of August, A. D., 1868, providing for the sale of said Railroad, has not yet been carried into effect; and whereas, the present owners of said railroad have recently placed the same in good running order for the use of the public, and are manifesting both the ability and disposition to make said road answer all the purposes of its construction; and whereas, the rapidly increasing business of said road warrants the belief that it will be able hereafter to pay regularly the interest due on the indebtedness of the company to the School Fund, and also the sinking fund provided by the act of August 13th, 1856; and whereas, the said railroad under its present efficient management must continue to be an adequate security for the debt due to the said School Fund;

Therefore, be it declared by the people of Texas in Convention assembled, That the Southern Pacific Railroad Company shall be, and the same is, hereby authorized to issue bonds for the whole amount of principal and interest due the special School Fund on the first day of January, A. D., 1869, payable to the Governor of the State of Texas and his successors in office, to become due twenty years after the said first day of January, A. D., 1869, which said bonds shall bear interest at the rate of seven per centum per annum; which said interest shall be payable in gold or silver coin of the United States, on the first days of January and July, of every year, at the Treasury, in the city of Austin, and the principal of said bonds shall be paid when the same shall become due, at the Treasury, in the city of Austin, in gold or silver coin of the United

States; and the said bonds when duly executed, shall be received by the Governor in lieu of the six per cent. bonds now held by the State for the indebtedness of said Railroad company to the State; and upon their delivery to the Governor, the said six per cent. bonds shall be cancelled and returned to said Railroad company.

2. The bonds provided for in the foregoing section, shall be a lien on the twenty-one miles of the Southern Pacific Railroad which have been heretofore constructed within the limits of the State of Texas: provided further, that the State shall have a lien upon all the additional road built by said company.

3. Upon the twenty-one miles of road now constructed in the State of Texas, and upon which the State has a lien by virtue of the six per cent. bonds of said company, now held by the State, the company shall never make or issue any bonds other than those provided in the foregoing section, to be issued to the Governor for the indebtedness of the company to the School Fund, for a larger sum than eight thousand dollars per mile; nor shall said company make or issue any bond other than those provided for in the preceding section, which shall be a lien upon said twenty-one miles of said road, unless the same, before it is put in circulation or delivered to any person, shall be countersigned by the Governor of the State of Texas, and also by the Comptroller of Public Accounts; nor shall any lien held by any person upon said twenty-one miles of said road by virtue of any bond which may be issued by said company, be foreclosed except in a court of competent jurisdiction, and after at least ninety days' notice in writing to the Governor of the State, of the suit of foreclosure.

4. The said Railroad Company shall have the right, if it shall think proper to do so, to change the guage of said road.

5. The Legislature shall have the power at any time to make such regulations respecting said road as may be necessary to the security of the bonds held by the State.

Passed January 16, 1869.

DECLARATION

Changing the County Seat of Refugio County.

Be it declared by the people of Texas in Convention assembled, That the county seat of Refugio county, shall hereafter be at the town of St. Mary, in said county, and remain there until removed by law.

Passed January 18, 1869.

DECLARATION

To incorporate the Texas Mutual Life Insurance Company.

Be it declared by the people of Texas in Convention assembled:

Section 1. That T. W. House, W. R. Baker, Ed. Sharp, C. W. Hite, E. S. Graham, T. H. McMahan, W. H. Hankins, A. R. Crow, and A. J. Evans, or such of them, or as many of them as shall act, their associates, successors and assigns, be, and are hereby created a body corporate and politic, by the name and style of "The Texas Mutual Life Insurance Company;" with perpetual succession and full powers to contract and be contracted with, sue and be sued, and to acquire, by purchase, deeds of conveyance, lease, or other lawful manner; and the same to have, hold, use, and enjoy, any real or personal property, bonds, notes, or other securities for money, which the Board of Directors of said company may deem advisable in pursuance of the business of the company; and the same, or any part thereof, to sell, convey, lease, assign, transfer, or otherwise dispose of; and to do and perform, for the well-being of said company, whatever shall lawfully pertain to such corporate bodies; and may have and use a corporate seal.

Sec. 2. That the capital stock of said company shall not exceed $500,000 at the organization of the same; but may, at any time thereafter, be increased by the Board of Directors to not more than $1,000,000.

Sec. 3. That the capital stock of said company shall be divided into shares of $50 each, and which may be disposed of by the corporators or Board of Directors, in such manner, and on such terms, as they may from time to time determine.

Sec. 4. That the above-named corporators, or as many of them as may act, and their associates or assigns, shall have power to organize said company, in the city of Houston, county of Harris and State of Texas, and shall constitute the first Board of Directors, and shall hold their offices until their successors are duly elected and qualified; may appoint a President of the Board, Secretary and Treasurer, and such other officers and agents as may be necessary, and they shall have power to fill all vacancies. A majority of said board shall constitute a quorum to do and transact business. That after the organization of the company, as above provided, the Board of Directors shall have power, before opening books for general subscription to the capital stock, and before any subscription shall be binding on the company, to require the payment, to them, of not

more than twenty per cent. on each share subscribed, as may be required by them, and may have the residue subscribed, secured to their satisfaction, and which obligations shall be payable on call installments and may be required to be renewed at any time, for the whole or such part, as the Board of Directors may determine; and it shall be the duty of the Board of Directors to give at least thirty days' notice, by mail or otherwise, to all shareholders whose residence is known to the company, of any call they may make for any payment of installment required, which is unpaid; and if any stockholder shall fail to meet such call, or to secure the remainder, as aforesaid, it shall be lawful for the Board of Directors to sell such delinquent shares and transfer the same to the purchaser, or to declare them forfeited to the company, together with all previous payments thereon.

Sec. 5. The stock of the company shall be assignable and transferable, under such rules and regulations as the company may establish or the Directors adopt; but no transfer of stock shall be deemed valid and binding against the company so long as the person transferring the same shall be indebted to the company, until the amount of such indebtedness is paid or secured. And the stock of every stockholder shall be considered and held as collateral security for the payment of any sum or sums which he or she may be indebted to the company, by notes for stock or otherwise.

Sec. 6. The number of directors and the time of electing them shall be determined by the by-laws, rules and regulations which the company may adopt, and may be changed at the pleasure of the same. In all elections held by stockholders, each share, to the number of twenty, shall have one vote; and for each ten additional shares the owner shall be entitled to one vote in addition. But no person shall be entitled to vote who is not at the time a *bona fide* stockholder, or whose stock has not been regularly transferred upon the books of the company; and shares may be voted upon by the executor or administrator of a deceased owner, or by proxy.

Sec. 7. That the President and Directors for the time being shall have power to appoint such officers and agents under them and at such places as they shall deem necessary and proper for transacting the business of the company, and to allow such compensation as may be agreed upon, and to require and to take bond and security for the faithful discharge of their respective duties and trusts. And the said Board of Directors shall have power to make such by-laws, and adopt such regulations for the government of the corporation, its agents and business officers, as they may deem necessary; and may repeal, alter or amend the same at pleasure.

Sec. 8. The President and Directors for the time being shall have

power and authority, in the name and for the benefit of the company, to take risks and effect insurance on lives (single or joint) of males or females, by sea or water, or on land, for any time or for the whole period of natural life; and to contract for, grant and sell annuities; and to make all kinds of contracts in which casualties to life are involved; likewise to insure against accidents from any external causes producing death or any personal injury whatever; issue evidences of insurance against bodily accidents and injury; pay compensation therefor, as may be contracted for and specified in the terms of the policy; and every such contract, bargain, evidence, agreement or policy made by said corporation shall be in writing or in print, and shall be signed by the President and Secretary; but no such contract shall be binding upon the company until countersigned by the agent taking the risk.

Sec. 9. That it shall be lawful for any married woman, with the consent of her husband, by herself and in her name, or in the name of any third person with her assent, and that of her husband as her trustee, to cause to be insured for her sole use and benefit the life of her husband, for any definite period, or for the term of his natural life; or against accidents resulting in personal injury, causing him to be permanently or partially disabled or injured; and in case of such wife surviving her husband and the policy becoming due and payable, according to the terms of the insurance, shall be payable to the wife, for her sole use and benefit, free from the claims of the representatives of the husband, or of any of his creditors. In case of the death of the wife before the decease of the husband, then, and in that case, the amount of the insurance shall be payable, after death, to her children; or, if under age, to their guardian, for their use.

Sec. 10. That the President and Board of Directors shall have power to borrow money to an amount not exceeding the capital stock actually taken, and at a rate of interest not exceeding ten per cent. per annum, and to issue stock or bonds for the payment of the same; and any part of the assets of said corporation may be mortgaged or pledged for the payment of such indebtedness, principal and interest; and the Board of Directors shall have power to loan or invest any portion of the unemployed capital of said corporation, in such manner, on such terms of discount and interest, and on such security, as they may determine and authorize, not inconsistent with the laws of the State.

Sec. 11. That whenever said corporation shall be notified of any loss, by injury or death, occurring on any of the policies or evidences of insurance, granted or issued by the authority of the same, and on

which they are legally liable, it shall be the duty of said corporation to pay the amount so insured, in accordance with the terms, agreements and conditions of such policies or evidences of insurance, within ninety days after such notification; and the Board of Directors may require such evidence and proof of death or injury as they may deem proper and conclusive, before paying such loss; provided, always, that in all cases where there has been no violation, on the part of the assured, of any of the conditions of the policy or evidence of insurance; and the Board of Directors may attach such conditions to their policies or evidences of insurance, as they may deem right and proper for the good of the company and the assured.

Sec. 12. That it shall be lawful for the Board of Directors to issue participating policies in which the assured will receive an equitable proportion of profits, payable annually after five years from the date of the policy, and which profits shall be predicated upon the annual premium received from the assured, and shall not amount to more than fifty per cent. of the annual rates, as shown by the Carlyle tables of mortality; and if, in the opinion of the said Board of Directors, or their successors or assigns, the assent of a majority of the stockholders having first been obtained, it shall be deemed expedient to issue policies only and exclusively on the mutual plan, where all the net profits will be divided among the policy holders or members, then the original capital shall be refunded with interest, as the Board may order, to the original stockholders, their assigns, administrators, heirs or legal representatives; and such returned amounts, with interest, shall be in lieu for such stock originally issued to said stockholders; and they shall, in that case, surrender their stock certificates, and the same shall be cancelled and destroyed; and the business of the company shall then be carried on on the plan of mutual life insurance, in which all the assured shall equally participate in the profits, losses, management and supervision of said corporation.

Sec. 13. That it shall be lawful for any person or persons, male or female, to insure the life of himself, or themselves, or of any other person or persons, male or female, with his or their assent, for his and their own use and benefit, or that of their representatives, heirs or assigns, for any period.

Sec. 14. Nothing in this declaration shall be construed to authorize said corporation to engage in the business of circulating bank notes, or other paper, as a circulating medium.

Sec. 15. None but citizens of this State shall be entitled to the position of director in this company, and all such persons (directors) must be stockholders therein.

Sec. 16. That this declaration shall take effect and be in force from and after its passage.

Passed January 19, 1869.

DECLARATION

In relation to the New Orleans, Mobile and Chattanooga Railroad Company, a corporation of the State of Alabama, and authorizing and empowering said company to exercise and enjoy its corporate powers and franchises in the State of Texas.

SECTION 1. *Be it declared*, by the representatives of the State of Texas, (under and by virtue of the authority of the Congress of the United States of America,) in Convention assembled, That "the New Orleans, Mobile and Chattanooga Railroad Company" a corporation, incorporated, organized and existing under and by virtue of its act of incorporation, duly enacted by the General Assembly of the State of Alabama, entitled "an act to incorporate the New Orleans, Mobile and Chattanooga Railroad Company," approved November 24th, 1866, and amended by an act approved February 12th, 1867, and further amended by an act approved August 12th, 1868, is hereby recognized and approved as a body politic and corporate; with all the powers, privileges, rights and franchises granted to it by the said State of Alabama, in and by said act of incorporation, and the acts amendatory thereof, hereby adopting, confirming and approving all the provisions of said act of incorporation granted to said company, and the acts amendatory thereof, so far as the same may be applicable to this State. The said company is hereby invested with all the powers, privileges and franchises granted to it in its said act of incorporation, and in the acts amendatory thereof, and is empowered and authorized to exercise and enjoy the same in the State of Texas, and to have, exercise and enjoy all the rights, powers, privileges and franchises pertaining to corporate bodies within the State of Texas, necessary for the full enjoyment and exercise of the said rights, powers, privileges and franchises granted and secured to it by its said act of incorporation, and the acts amendatory thereof; and necessary to secure, attain and accomplish the objects and purposes of its incorporation, in the same manner, and with the like power and effect as if said company had been incorporated by virtue of any grant or law of the State of Texas; subject only to the conditions, provisions and restrictions of this ordinance and act as hereinafter set forth.

Sec. 2. *Be it further declared*, That to enable the said company to accomplish the purposes and objects of its incorporation, the furtherance and pursuit of which in the State of Texas is hereby granted, the said company is empowered and authorized,

First, To locate, construct and build, and thereafter to own, maintain, manage and use, by running thereon its engines, cars and trains of cars, a railroad with one or more tracks, and suitable turnouts, of such guage and construction, and upon such a course of route, as may be deemed by a majority of the directors of the said company, most proper, expedient or necessary, and most for the interest of the said company; and best adapted for the public accommodation, from any point on the line between the State of Texas and the State of Louisiana, in the county of Orange or in the county of Newton; towards and to any point on the line between the State of Texas and Mexico, in the county of Maverick or in the county of Webb; and if the majority of the directors of the said company shall not deem it to be expedient and for the interest of the said company to locate the line of said railroad through the city of Houston, in the county of Harris, then the said company shall construct a branch railroad from such point upon the said main line of railroad in the county of Harris as may be deemed most proper and expedient by a majority of the directors of said company, towards and to any point within the corporate limits of the said city of Houston, which may be acquired by said company for the uses and purposes of its legitimate business. And such branch railroad shall be deemed and taken to form a part of the said main line of railroad from the line between the State of Texas and the State of Louisiana, to the line between the State of Texas and Mexico, as hereinbefore designated; and whenever the said main line of railroad is referred to herein, such reference shall be deemed to include the said branch line of railroad, as a continuation and part of the said main line of railroad; and all the provisions hereof shall be applicable to said branch line of railroad in the same manner as to the said main line of railroad.

Second, To locate, construct and to build and thereafter to own, maintain, manage and use, by running thereon its engines, cars and trains of cars, a railroad with one or more tracks, and suitable turnouts, of such guage and construction, and upon such a course or route, as may be deemed by a majority of the directors of the said company most proper, expedient or necessary, and most for the interest of the said company and best adapted for the public accommodation, from any point on the line between the State of Texas and the State of Louisiana, in the county of Newton, towards and to any point in or east of Hardeman county, on the northern boundary

of the State of Texas, which may be deemed by a majority of the directors of said company most proper and expedient, in order to connect the said line of railroad, and to connect the same with any railroad which may hereafter be built by way of the Albuquerque or Santa Fe route, to the Pacific.

Third, For the purpose of connecting its said main lines of railroad, hereinbefore designated, with other railroads within the State of Texas, or with any mines or manufactories within the State of Texas, the said company is empowered and authorized to locate, construct and build, and thereafter to own, maintain, manage and use by running thereon its engines, cars and trains of cars, such branch railroads and tracks as a majority of the directors of said company may from time to time deem to be proper and expedient and for the interest of the said company to own and use.

Fourth, To construct, establish or purchase, in the State of Texas, and thereafter to own, maintain and use, suitable wharves, piers, warehouses, steamboats, harbors, depots, stations and other works and appurtenances connected with, and incidental to, said railroad and the business of said company, and by the directors of said company deemed necessary and expedient for said company to own and manage.

Fifth, To take, transport, carry and convey persons and property upon its said railroads, and its boats, by power of steam or any other power; and to receive for the same such tolls and charges as shall be established by the directors of said company.

Sixth, To obtain and receive by purchase, grant, gift, devise and bequest, and to have and to hold real and personal estate in the State of Texas, for the objects, purposes and business of said company, and to the extent provided and set forth in its said act of incorporation, and in this ordinance and act, excepting that in the taking and holding of lands for the use of said company, as lands taken for public use, the said company shall take and obtain the same as in this ordinance and act provided.

Seventh, To lay out its said railroads, and to construct the same, not exceeding two hundred feet in width, upon any lands of the State of Texas, and to take, hold and use for the purpose of necessary depots, stations, cuttings, turnouts, and for obtaining stone, gravel, earth and timber, for the construction of its said railroads, any lands of the State of Texas, lying along or upon or adjacent to the route or course of said railroads, that may be necessary for the construction, maintenance and security of such railroads; *provided however*, that any and all damages that may be occasioned, or that may arise to any person, corporation or association, other than the State of Texas, by the taking and using such lands and materials

for the use of said company as aforesaid, shall be assessed and paid for by said company as provided in this ordinance and act.

Eighth. To construct and maintain its said railroads, or any part of the same, and to have the right of way therefor, across, or along, or upon any waters, water-course, river, lake, bay, inlet, street, highway, turnpike or canal, within the State of Texas, which the course of said railroads may intersect, touch or cross, provided the said company shall preserve any water-course, street, highway, turnpike or canal, which its said railroads may pass upon, along, intersect, touch or cross, so as not to impair its usefulness to the public unnecessarily; or, if temporarily impaired in and during the construction of said railroads, the said company shall restore the same to its former state, or to such a state that its usefulness and convenience to the public shall not be unnecessarily or materially impaired or injured.

Ninth. That the said company is hereby authorized and empowered to obtain by grant or otherwise, from any incorporated city or village, within the State of Texas, that may be situated upon its railroad or railroads, any rights, privileges or franchises, that any of said incorporated cities or villages may choose to grant, in reference to the construction, maintenance and management of the railroad of said company, its depots, cars, locomotives, and its business, within the limits of such, or any of said incorporated cities or villages; and any such incorporated city or village, as hereinbefore named, is hereby authorized and empowered to grant to said company any such rights, privileges, and franchises, as it may deem proper and advisable; and such rights, privileges and franchises, when granted to, and accepted by said company, from any such incorporated city or village, shall be deemed and taken as rights, privileges and franchises, vested and confirmed in said company, and not liable to be thereafter revoked, changed, injured or impaired, except with the consent of said company.

SEC. 3. Be it further declared, That the said company being hereby authorized to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the object for which this company is organized, it may, by its agents, surveyors, engineers and servants, enter upon all lands and tenements through which it may conclude to make such railroads; and survey, lay out and construct the same, and may agree and contract for the land, or right of way, with the owners of the land through which it intends to make said roads. In case said lands belong to the estate of any deceased person, then with the executor or administrator of such; or in case of the same belonging to a minor person *non compos mentis*, then with his or her guardian; or in case said

lands be held by trustees of schools, sections, or other trustees of estates, then with such trustees.

And said executors, administrators, guardians and trustees are hereby declared competent for such estate, person or minor, to contract with said company, to use, occupy and possess the lands of such estates, persons, minors or trustees, so far as may be useful or necessary for the purpose of said railroads; and the act and deed of such executors, administrators, guardians, or trustees in relation thereto, shall pass a title in such lands, in the same manner as if the said deeds or act was made or done by a legal owner of full age and sound mind; and such executor, administrator, guardian or trustee shall account to those interested in their respective bonds for the amount paid him in pursuance of such agreement and composition; and if the said company and the parties representing lands prefer, they may refer the question of compensation to arbitrators, mutually chosen, whose award, or that of their umpire, (in case of disagreement,) shall vest title according to its terms.

SEC. 4. Be it further declared, That if the said company is unable to agree for the purchase of any real estate or the right of way thereupon, or any estate therein, required for the use and purposes of the said company, as provided in the preceding section, or is unable for any cause to obtain the title or right of way therein, it shall have the right to acquire title to the same in the following manner: The said company may apply to the Supreme Court of the State of Texas, at any general or special term, or to any judge thereof in vacation, for the appointment of commissioners of appraisal, or it may apply for such appointment to any District Court of the county in which the said land lies, at any general or special term, or to any judge thereof in vacation. Such application shall be made in writing, and signed by the President or one of the Directors of said company, or by an agent or attorney of said company authorized for that purpose, and shall substantially set forth and state:

First. It must be entitled so as to describe the court wherein, or the judge to whom the application is made, and the character of the application.

Second. The name and official character of the person applying in behalf of the company, must be stated.

Third. The real estate which the company seeks to acquire, must be described by metes and bounds, and the estate therein which the company seeks to acquire must be set forth; and several parcels of land, owned by different persons, may be included in one application.

Fourth. That the company has not been able to acquire the estate in said lands required, and the reason of such inability.

Fifth. The names of all owners or parties interested in said real estate, so far as the same are known to the applicant, must be set forth; and if not known, that fact must be stated. A copy of such application, and notice of the time and place the same will be presented, must be served on all persons named in said application, as owners or interested in said real estate, at least five days prior to the presentation of the same; provided such owners so named are residents, and can be found within the State of Texas, and are not infants, idiots, or persons of unsound mind.

SEC. 5. Be it further declared, That on presentation of the application to the court or judge therein named, and no person appearing to oppose said application, and whenever it shall satisfactorily appear from said application and proof thereunto attached, that service of notice of the time and place of the presentation of said application upon all the owners and persons interested in said lands has been made, the said court or the judge thereof, shall forthwith make an order appointing three disinterested and competent persons, who reside in the county where the premises are situated, or an adjoining county thereto, as commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken by said company for its purposes, and shall fix the time and place for the first meeting of said commissioners. In case any person who shall be the owner, or who shall have a vested interest in said premises, shall appear at the time and place of the presentation of such application, the said court or judge, before making said appointment of commissioners, may hear such person and said company in relation to any persons proposed for appointment as such commissioners, their place of residence, competency and interest; and after such hearing, the said court or judge shall make an appointment of three commissioners, as aforesaid, in accordance with the discretion and judgment of said court or judge. In case it shall appear by said application that any person, or any of the persons owning or interested in the said premises described in the application, or any part of the same, are not known to the said company, or are not residents of the county wherein said real estate is situated, or cannot be found therein after due diligence, or are infants, idiots, or persons of unsound mind, then and in such case the said court or judge, before making said appointment of commissioners, shall make such inquiries as to such owners and parties interested in said premises, and shall make such orders for service of notice upon them, or upon any person in regard to said application, and such other order, or orders in the premises, as the said court or judge may deem necessary, proper and just, and shall then make such appointment of commissioners as aforesaid;

and in connection therewith, make such orders as to the service of any future notice upon the owners of said premises, of the meeting and appraisement of said commissioners, and the confirmation of the same, as may seem to said court or judge equitable and just.

SEC. 6. Be it further declared, That the commissioners so appointed, or a majority of them, shall hold their first meeting at a time and place appointed by the court or judge, and may adjourn from time to time at their discretion. They shall take and subscribe an oath, before any officer authorized to administer oaths in the State of Texas, to the effect that they, and each of them, will impartially and to the best of their judgment and ability, perform the duties of said commissioners. Any one of said commissioners may issue subpœnas and administer oaths to witnesses. Whenever they meet to take testimony, or hear the parties, except by the appointment of the said court or judge, or pursuant to adjournment, they shall cause reasonable notice of such meeting to be given to any of the parties in interest, who shall have theretofore appeared before them, or to their agent or attorney. They shall hear the proofs and allegations of the parties, and reduce the same to writing. And after all the testimony offered in the case, that in the judgment of the said commissioners is pertinent to the value of the said premises, is taken, they, or a majority of them, shall, without unnecessary delay, ascertain and determine the compensation which ought justly and equitably to be made by the said company to the owners or persons interested in said real estate, appraised by them; and said commissioners shall take into consideration the advantages that the said owners or persons interested in said real estate may derive from the construction of the said proposed railroad, for which said real estate is proposed to be taken. They shall make a report in writing to the court or judge by whom they were appointed, which shall contain the proceedings in the case before them, with the minutes of the testimony taken by them, if any, and their award and determination. They shall be compensated for service as such commissioners by the said company, at the rate of five dollars per day for actual service.

SEC. 7. Be it further declared, That on such report being made by said commissioners, the court or judge shall appoint a time or place for the hearing of said company, and all parties interested in said lands, in regard to the confirmation of said report; and shall, by order, direct the manner and form of the service of any notice of the same upon any persons that, in the judgment of the said court or judge, should be notified: and on the day of such hearing, if no person shall appear to oppose the confirmation of the said report, the same shall be confirmed by the said court or judge; and an

order shall be made reciting the proceedings of the appraisal, the confirmation of the same, and a description of the real estate, and directing to whom the money or value of said real estate is to be paid, or in what manner the same shall be deposited by said company for the use and benefit of said owners. And if any person shall appear to oppose the confirmation of said report, the said court or judge shall hear the parties for and against such confirmation, and if said court or judge shall decide in favor of such confirmation, then the same proceeding shall be had in the premises as heretofore provided, in case no person appeared to oppose such confirmation; and if said court or judge shall decide against such confirmation, an order shall be entered directing said commissioners, or other commissioners named in said order, to proceed to re-appraisal of the said premises, the proceedings of which shall be afterwards conducted as in the first instance, except that the appraisal and report of the commissioners on the re-appraisal ordered shall be final, and shall be confirmed by said court or judge, and the order of said court or judge confirming any appraisal, as aforesaid, shall be final and conclusive on all parties interested.

SEC. 8. Be it further declared, That the order of the said court or judge confirming an appraisal of lands, as heretofore provided, or a certified copy of the same, shall be filed in the office of the Clerk of the District Court of the county in which said real estate appraised shall be situate, and there shall remain a record; and such order, so entered and filed, shall vest in said company the lands described therein, and such estate as may be therein set forth, on the payment, or tender of payment, or deposit of the amount of the appraisal and damages by said company, as provided in said order; and said order, or a duly certified copy thereof, with proof of such payment and deposit, as therein provided, will be considered as legal evidence of the title and estate of said company to the real estate described therein. All real estate acquired by appraisal by said company, under and pursuant to this ordinance and act, shall be deemed to be acquired for public use.

SEC. 9. Be it further declared, That the said company shall be exempt from all taxes in the State of Texas, of whatever name or nature, including State, county, town, city and municipal taxes, except that a State tax of three per centum on all dividends declared and paid to the stockholders of said company, from time to time, shall be paid by said company to the States through and in which the railroads of said company shall be constructed and maintained. And the amount of said tax paid to each State shall be in the same proportion to the whole amount as the length of said railroads, or either of them, constructed and maintained in each State, shall bear

to the collective length of the said railroads constructed and maintained in all the States; and the proportion of said tax to be paid to the State of Texas shall be due and payable, and shall be paid to the Treasurer of the State by said company at the time any such dividends shall be so declared, and shall be due and payable by said company. And the officers, agents and servants of said company within the State of Texas shall be exempt from jury duty, and from military duty, except in case of invasion or insurrection.

SEC. 10. Be it further declared, That the said company is hereby authorized to cross, intersect, join and unite its railroads with any other railroad heretofore or hereafter constructed in the State of Texas, at any point upon its route, and upon the ground of such other railroad company, with the necessary turnouts, sidings, switches and other conveniences, in furtherance of the objects of its connections. And every railroad company in the State of Texas, whose railroad shall be hereafter intersected by the railroads of this company, shall unite with it in forming such intersection and connections, and grant the facilities aforesaid; and if the said railroad companies cannot agree upon the points and manner of such crossings, intersections and connections, and the division and apportionment of the costs and expenses of the same between said companies, the same shall be ascertained and determined by commissioners appointed by the court, as is provided in this ordinance and act, in respect to acquiring title to real estate.

SEC. 11. Be it further declared, That the said company is empowered and authorized to purchase or lease from any railroad company or corporation, its railroad and the charter, franchises, property and appurtenances thereof, and maintain and use the same as a part of the property of the said company; and the said company is also authorized and empowered to enter into any mutual contract with any other railroad company or corporation by which the capital stock and property of said other company or corporation shall become merged and consolidated with this said company, and into one joint and common stock, and be and exist as one company, possessing and enjoying all the powers, franchises, rights and privileges granted to or vested in each and all of the companies so consolidated or united by the State of Texas, or by other States, or by the United States, through which the railroad of said company so consolidated and united may pass; the provisions of any statute heretofore passed by the State of Texas to the contrary notwithstanding.

SEC. 12. Be it further declared, That the said company is authorized and empowered, from time to time, to borrow money or to purchase property upon its own credit, for the purpose of con-

structing and maintaining said railroads, or establishing continuous and connecting lines of railroad, as heretofore, and in its act of incorporation provided; and as evidence of the indebtedness of said company for such loans or the purchase of such property, may issue its corporate bonds or promissory notes, bearing interest at a rate not exceeding eight per cent. per annum; and to secure the payment of said bonds and notes, may mortgage its railroads, its capital stock, its corporate franchises, and any of its real or personal property, or any part or portion of the same; and it may by its president, or other officers and agents, duly authorized by its directors, sell, dispose of, or negotiate such bonds and notes, or may sell, dispose of, or negotiate its capital stock; said capital stock being declared to be personal property, and transferable as such; or any of its personal property, at such times and places, and at such rates, and for such prices, either within or without the limits of the State of Texas, as in the judgment of said company, or its directors, will best advance its interests; and if such bonds, notes or stock are thus sold at a discount, such sale shall be in all respects valid and binding upon this company, and such stock, bonds or notes shall be as valid for the par value thereof as if the same had been sold at par value; and, whereas, the line of the railroad of said company, as intended to be constructed, will extend through several States, it is hereby declared that the cars and engines, and all personal property which said company may acquire, shall, for the purposes of this ordinance and act, and for all mortgage purposes, be deemed part of the realty, and be apportioned according to the number of miles of railroad constructed and owned by the company in each State; so that the number of cars and engines and amount of personal property which shall be deemed to belong to the portion of the company's railroad constructed and lying within the limits of either of said States, shall at all times bear the same proportion to the whole number of cars and engines, and whole amount of personal property owned by the company, which the number of miles of railroad of the company constructed and lying within such State shall bear to the aggregate number of miles of the railroad of the company constructed in all of said States.

SEC. 13. Be it further declared, That the said New Orleans, Mobile and Chattanooga Railroad Company shall be entitled to receive, and shall receive from the State of Texas, a grant of sixteen sections (of six hundred and forty acres each) of land for every mile of railroad, (exclusive of side tracks) within the State of Texas, which the said company shall construct and put in running order, and which shall form a part of its main line of railroad, designated and described in clause first of section 2, of this ordinance

and act; or which shall form a part of its main line of railroad, designated and described in clause second of section 2, of this ordinance and act; or which shall form a part of either of said main lines of railroad, or of any branch thereof, as provided in clause third of section 2, of this ordinance and act; and which shall be constructed and put in running order by the said company within ten years from and after the acceptance of this ordinance and act by the said company, as herein provided for; and for any part or portion of its said main lines of railroad, or for any part or portion of any branch thereof, which the said company may build within the State of Texas after the expiration of the aforesaid term of ten years, the said company shall not (for any such part or portion) be entitled to receive lands from the State of Texas under the provisions of this ordinance and act; the lands hereby granted to the said company shall be surveyed and located by said company, and the title to the said lands shall be finally transferred to and vested in the said New Orleans, Mobile and Chattanooga Railroad Company, by and from the State of Texas, in accordance with the provisions of section 14, of this ordinance and act, and not otherwise.

SEC. 14. Be it further declared, That whenever the said New Orleans, Mobile and Chattanooga Railroad Company shall have constructed and put in running order, within the State of Texas, a section of forty miles, or more, of its said main line of railroad, designated and described in clause first of section 2, of this ordinance and act, or of its said main line of railroad, designated and described in clause second of section 2, of this ordinance and act, or of either of the said main lines of railroad or of any branch thereof, as provided for in clause third of section 2, of this ordinance and act, the said company may give notice thereof to the Governor of the State of Texas, and request that the lands provided for and granted to the said company in and by the provisions of section 13, of this ordinance and act, shall be allotted to said company to the extent of sixteen sections of land (of six hundred and forty acres each) for each and every mile of railroad so constructed; and said company may designate in said request and notice any lands of the public domain of the State of Texas subject to location and entry, describing, as nearly as practicable, the lands applied for, and which it is desired shall be allotted to said company. It shall be the duty of said Governor, upon receiving said notice and request, and upon being satisfied that the portions of said railroad described in said notice and request, have been constructed by the said company, by the report of the engineers of said company, under oath or by other satisfactory proof, to cause said notice and request to be filed in the General Land Office of the State of Texas, and immediately there-

after to cause the said lands set forth and described in said notice and request to be allotted and set apart for said company, and a certificate of such allotment, over the seal of the State of Texas and the signature of the Governor, to be made and given to the said company; and the lands described in said notice and request, and in said certificate, shall thereafter be exempt from any other future location, entry or pre-emption privilege, and shall be considered as located, allotted and set apart for the said company, as in this ordinance and act provided.

When the said company shall have completed and put in running order that part or portion of the main line of railroad designated and described in clause first of section 2, of this ordinance and act, lying between the point where it shall intersect and cross the eastern boundary of the State of Texas and the city of Houston, and shall have also completed and put in running order three sections, of forty miles each, of the main line of railroad, designated and described in clause second of section 2, of this ordinance and act; and when the said company shall have received from the Governor the certificate of the location and allotment of that part or portion of the lands granted to the said company by the terms and provisions of section 13 of this ordinance and act, apportioned, due and pertaining to such completed parts or portions of the said main lines of railroad, then the said company shall be entitled to receive and shall receive, from the State of Texas, the title to the said lands, and all of them which shall have been located and allotted to the said company for such completed parts or portions of the said main lines of railroad; and it shall then be the duty of the Governor to cause patents to be duly made and issued to the said company by and from the State of Texas, conveying the said lands theretofore located and allotted to the said company in fee simple. And thereafter the said company shall be entitled to receive, and shall receive, from the State of Texas, the title to the lands, and all of them apportioned, due and pertaining to each section of forty miles of its railroads, in accordance with the provisions of this ordinance and act, at the same time that the said company shall be entitled to receive the certificates of allottment therefore, in accordance with the provisions of this section of this ordinance and act; and it shall be the duty of the Governor to cause patents to be duly made and issued to the said company by and from the State of Texas, conveying said lands so allotted to said company in fee simple, at the time of delivering to the said company the certificates of allotment therefore, in accordance with the provisions of this ordinance and act.

SEC. 15. Be it further declared, That the said company may accept the terms, conditions and provisions of this ordinance and act

at any time after its passage, and within four months from and after the future approval and acceptance of a constitution for the State of Texas, by the Congress of the United States, by a written acceptance signed by a majority of the directors of the said company, and addressed to the Governor of the State of Texas; and in case of such acceptance by the said company, the said company shall be entitled to the benefit of all the provisions of this ordinance and act, and shall possess and enjoy the rights and franchises granted to said company by the State of Texas in this ordinance and act; and such grants and the engagements herein made and entered into on the part of the State of Texas, shall be deemed to be, and shall be, binding contracts between the State of Texas and the said company, not to be impaired, disturbed, or modified, by subsequent legislation, except with the consent and on the petition of the said company.

SEC. 16. Be it further declared, That any and every county of the State of Texas, situate upon or adjacent to the main or branch lines of the railroads of the said company within the State of Texas, as such lines are or may be hereafter located by said company, is authorized and empowered to subscribe for, take and pay for, the capital stock of said company, as hereinafter provided.

The said company, by its president, and a majority of its directors, may, in writing, propose to any such county, that it shall subscribe for and take an amount of said capital stock, to be named in said proposal, at a certain price per share, and pay for the same in such bonds of the county as shall be set forth in said proposal. The said proposal may be delivered to the treasurer of the county to which the proposal may be made, and said treasurer shall thereupon, and within ten days after receiving such proposal, call a special meeting of the board of commissioners of said county, to assemble within ten days, at a time and place to be named in such notice, to consider said proposal; and the said board of commissioners shall assemble at the time and place named, and shall consider the same; and if a majority of the whole number of the commissioners of such county shall vote for a resolution to accept said proposition, or any other proposition at the time made to said county by said company, then and in such case the said resolution shall be submitted to the electors of the county, at an election to be called by said board of commissioners, and to be held in said county within thirty days after the said meeting of the board of commissioners. Such election shall be held and conducted at the time appointed, in the same manner and form as by law provided for holding any election for county officers. The notice of said election shall state the substance of the said proposal of said company, and of the resolution adopted by the board of commissioners, and shall

direct that the electors shall vote by ballot at said election for and against the resolution; and if a majority of the ballots cast at said election shall be in favor of said resolution, it shall be considered, deemed and declared that said county has subscribed and taken the stock of said company, set forth and described in said proposal and resolution, and agreed to pay for the same in the bonds of the county, as hereinafter provided, and the faith and credit of said county shall be pledged to pay for the same; and such action by said company and said county shall be deemed and declared to be a valid and existing contract between said county and said company, and the stock and bonds issued in the formal fulfillment of the same, shall be deemed legal and valid stock and bonds, and the said bonds, and each of them, shall be deemed to be a legal and valid debt against said county, in favor of any future owner or holder of the same.

SEC. 17. Be it further declared, That after the approval and confirmation by the electors of the county of the said resolution of the board of commissioners, the treasurer of said county shall prepare the bonds of the county, as authorized by said resolution, and execute the same in the name of the said county, and the clerk of said county shall attest the same, and affix the seal of the county thereto; and the said treasurer shall receive from said company the certificates of the shares of capital stock set forth and described in said proposal and resolution, and shall cause them to be registered in the name of said county, and shall deliver said bonds of said county to said company in payment therefor; and the said treasurer shall place the said shares of the capital stock in the treasury of the county, subject only to the order and disposal of the board of commissioners of said county, and said capital stock may be voted upon under the direction of said commissioners, while the same shall be and remain the property of said county. And the board of commissioners of said county are authorized, empowered, and directed to impose, levy and collect a tax, from time to time, upon the real and personal estate situate within said county, in the same manner as other State and county taxes shall be imposed, levied and collected, for the purpose of paying the principal and interest of said county bonds, as the same may become due and payable; and the principal and interest of said county bonds shall be paid, whenever the same become due, by the treasurer of said county, at his office, with and from any funds or moneys in his possession, belong-to said county, or with and from any funds or moneys in the treasury of said county.

SEC. 18. Be it further declared, That any and every incorporated city within the State of Texas, situate upon or adjacent to the main or branch lines of the railroads of said company within the

State of Texas, as such lines are or may be hereafter located by said company, is authorized and empowered to subscribe for, take and pay for the capital stock of said company as hereinafter provided. The said company by its president and a majority of its directors, may, in writing, propose to any such city, that it shall subscribe for and take an amount of said capital stock, named and set forth in said proposal, at a certain price per share, and pay for the same in such bonds of the city as shall be set forth in said proposal. The said proposal may be delivered to the Mayor of the city to which the proposal may be made, and said Mayor shall thereupon and within ten days after receiving such proposal, submit the said proposal to the board of aldermen and common council of such city, or to any other official board or body of said city having jurisdiction to enact ordinances for such city; and if a majority of such board of aldermen, common council or other official board or body, shall, by a resolution, accept the said proposal, then it shall be the duty of the said Mayor to proclaim and order a special election of said city to be held within thirty days after the adoption of such resolution, to which he shall submit the said proposal approved, and the resolution adopted, and said special election shall be held and conducted at the time appointed, in the same manner and form as by law provided for holding any election for city officers in such city; and the electors who vote thereat shall vote by ballot for or against said proposal and resolution, and if a majority of votes cast at such election shall be in favor of such proposal and resolution, such city shall be considered, deemed and declared to have subscribed for and taken the stock of said company, set forth and described in said proposal and resolutions, and the faith and credit of said city shall be pledged to pay for the same, as in said proposal and resolution provided; and the Mayor of said city is authorized, empowered and directed to prepare and execute the bonds of said city, and on presentation of the certificates of the capital stock of said company, set forth and described in said proposal and resolution, to deliver said bonds of such city to said company; and such bonds shall be deemed and held to be a valid and legal debt against such city, to be paid by such city according to their terms and conditions; and the officers of such city, having charge of the imposition and levy of taxes in said city for municipal purposes, shall impose, levy and collect a tax from time to time upon the real and personal estate situate within said city, to provide the monies and funds to pay any such bonds so issued, and the interest thereon, and shall pay the same as they shall become due and payable; and said stock so taken shall be registered in the name of such city, and shall be under the control and at the disposal of the Mayor and common council thereof.

SEC. 19. Be it further declared, That the said company can sue and be sued only in such courts of the State of Texas as are courts of record, and in such manner and form only as corporations of the State of Texas can be sued; and service of process in any action against the said company can be made only by service of the same upon either the president, secretary, treasurer or any of the directors of said company, or upon an agent of the said company, resident of the State of Texas, and designated by the company to receive such service; and it shall be the duty of the company to designate one of its agents upon each distinct and separate line of its railroad, within the State of Texas, and who shall reside within the State of Texas, as the agent or agents upon whom such service of process can be made; and to give public notice thereof by advertisement for four successive weeks, in a newspaper published at some place upon each line of its railroad within the State of Texas, and like public notice shall be given whenever any change is made in such agency or agencies.

SEC. 20. Be it further declared, That if any person or persons will, or shall willfully do, or cause to be done, any act or acts whatever, whereby any building, construction or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the said company double the amount of damages sustained by reason of such offences or injury, to be recovered in the name of said company, with costs of suit by action of debt; and such offences shall also be subject to indictment, and shall be, on conviction, sentenced to imprisonment at the discretion of the court, for a period not exceeding eighteen months.

SEC. 21. Whereas, because of the forfeiture of its charter, and on account of the non-payment of a large sum of money, principal and interest, due the special School Fund by the Texas and New Orleans Railroad Company, formerly known by the corporate name of the Sabine and Galveston Bay Railroad and Lumber Company, the railroad, with all the other property and franchises of said company are to be sold, at public auction or otherwise, by the State of Texas: *Be it further ordained and enacted*, That when such sale is had, unless there shall be bid by others a sum sufficient to pay the amount then due for principal and interest of the debt due the School Fund of the State of Texas, and the expenses of the sale, and if at such sale the New Orleans, Mobile and Chattanooga Railroad Company shall bid a sum sufficient to pay the amount due for principal, interest and expenses aforesaid, and shall be the high-

est bidder, the said railroad and property and franchises shall be struck down and sold to the said New Orleans, Mobile and Chattanooga Railroad Company; and in that event the Governor shall receive from the last named purchaser, in payment of the purchase money, to the extent of the amount due the State of Texas for principal and interest as aforesaid, and the expenses of the sale, and in lieu of cash, the bond of the said New Orleans, Mobile and Chattanooga Railroad Company, payable twenty years after date, with interest at six per cent. per annum, payable semi-annually, in lawful currency of the United States of America. The payment of the principal and interest of said bond to be secured by the deposit in the Treasury of the State of Texas of an equal amount of first mortgage bonds of said last named company, provided said first mortgage bonds are not issued for a greater sum than $25,000 per mile for each mile of railroad covered by said first mortgage; such bond for the purchase money to be delivered to the Governor within thirty days after the sale, and the residue of the purchase money, if any, shall be paid in cash; and the Governor shall thereupon deliver to the said purchaser a deed conveying to the said New Orleans, Mobile and Chattanooga Railroad Company, the railroad properties and franchises sold. And in case the first mortgage bonds aforesaid should not be at that time in readiness to be deposited as collateral as aforesaid, the said purchaser shall, at the time of receiving the deed, deposit in the Treasury of the State of Texas, as collateral security for the payment of said purchase money bond, such bonds or other securities as shall be satisfactory to the Governor, which last mentioned bonds or other securities shall be surrendered to said purchaser on the substitution by it of first mortgage bonds aforesaid.

SEC. 22. Be it further declared, That in case the said New Orleans, Mobile and Chattanooga Railroad Company shall at said sale become the purchaser of the railroad and properties and franchises hereinbefore directed to be sold, and shall pay or secure the purchase money in the manner hereinbefore provided, the said purchaser, its successors and assigns, shall have and enjoy a good and indefeasible title to said railroad and properties and franchises so sold, free from all liens or incumbrances, and the State of Texas hereby warrants such title to said purchaser, and agrees to hold it harmless against all liens and incumbrances of every nature, prior to the conveyance so to be executed by the Governor of the State of Texas; and the said purchaser, its successors and assigns, may remove from the road-bed of the railroad so sold, all the iron rails, chairs and spikes, or any part thereof, and use the same in the construction of its line of railroad in the State of Texas, west of the

Colorado river, and shall not, by reason of such removal, be subjected to any forfeiture of the franchises of said Texas and New Orleans Railroad Company.

SEC. 23. Be it further declared, That in case the New Orleans, Mobile and Chattanooga Railroad Company shall purchase or lease the railroad of the Buffalo Bayou, Brazos and Colorado Railroad Company, or shall hereafter desire to purchase of the State of Texas the bonds given by the said last named company to the State of Texas, for the money heretofore advanced to said last named company out of the Special School Fund, the State of Texas will sell, deliver, and transfer said bonds to the said New Orleans, Mobile and Chattanooga Railroad Company, on receiving from it in payment therefor the bonds of the said New Orleans, Mobile and Chattanooga Railroad Company, for a sum equal to the principal and interest then due to the State of Texas on said special School Fund bonds, payable twenty years after date, with interest at six per cent. per annum, payable semi-annually, in lawful currency of the United States of America, secured by the deposit in the Treasury of the State of Texas, of an equal amount of first mortgage bonds of the last named company; provided, said first mortgage bonds are not issued for a greater sum than $25,000 per mile for each mile of railroad covered by said first mortgage; and on such payment and deposit being made, the said bonds of the Buffalo Bayou, Brazos and Colorado Railroad Company, held by the State of Texas, shall be surrendered to the said New Orleans, Mobile and Chattanooga Railroad Company; and the said last named company shall thereupon succeed to, and have and possess all the lien, right, title and interest which the State of Texas now has by virtue of the last mentioned bonds, in and upon the railroad and franchises and other properties of the said Buffalo Bayou and Colorado Railroad Company, and shall have the same right to enforce said lien by sale, as is now vested in the State of Texas; and such sale may be made by the president of the said New Orleans, Mobile and Chattanooga Railroad Company, with like effect as it might be made by the Governor of the State of Texas, if the State of Texas remained the owner of the bonds. And in case the first mortgage bonds aforesaid should not be at the time of such purchase and transfer, in readiness to be deposited as collateral as aforesaid, the said purchaser shall, at the time of receiving the said Special School Fund bonds, deposit in the Treasury of the State of Texas, as collateral security for the payment of said purchase money bond, such bonds or other securities, as shall be satisfactory to the Governor; which last mentioned bonds or other securities, shall be surrendered to said pur-

chaser on the substitution by it of first mortgage bonds as aforesaid.

SEC. 24. Be it further declared, That in case the said New Orleans, Mobile and Chattanooga Railroad Company shall become the purchaser or owner of the railroad of the Buffalo Bayou, Brazos and Colorado Railroad Company, or any part thereof, the former company may, by resolution of its Board of Directors, incorporate its said railroad, or such part thereof as it may acquire, in the line of railroad of the said New Orleans, Mobile and Chattanooga Railroad Company; and thereupon, the part so incorporated shall be deemed, for the purposes of this ordinance and act, a part of the railroad constructed by the New Orleans, Mobile and Chattanooga Railroad Company within the State of Texas; and the said company shall enjoy in respect of the part so incorporated, all the rights and privileges in respect to the grants of lands, and all other rights and privileges of every description to which it is or may be entitled under this ordinance and act, in respect of the railroad actually constructed by it within the State of Texas; and in case of such purchase or lease of the said railroad of the said Buffalo Bayou, Brazos and Colorado Railroad Company, by the said New Orleans, Mobile and Chattanooga Railroad Company, the said New Orleans, Mobile and Chattanooga Railroad Company is empowered and authorized to change the guage of said railroad, and to change the eastern terminus of said railroad from Harrisburg to the city of Houston, and to change the location and line, and to transfer the rails of so much of said railroad as the directors of the said New Orleans, Mobile and Chattanooga Railroad Company may deem necessary to effect such change of terminus and of line.

SEC. 25. Be it further declared, That this ordinance and act shall take effect from and after its passage, and shall be favorably and liberally construed so as to favor all the purposes and objects of the same, and the operations of the provisions thereof; and that said New Orleans, Mobile and Chattanooga Railroad Company shall have all the benefits, as if specially named, as granted therein of all such further grant or grants of money, lands, or credit, or any, or all of them, as may be made by the State of Texas by ordinance or statute, to any other railroad corporation, subject to the conditions therein imposed; provided, that in case said company shall think proper to accept such grant, or grants, or any of them, it shall be required to notify the Governor in writing its acceptance of the same.

Passed January 19, 1869.

RESOLUTION

Expressing the opinion of the Convention respecting the division of the State of Texas, and providing for the election of delegates to proceed to Washington to represent the condition of the State.

WHEREAS, The extent of territory of the State of Texas, the conflicting interests of the widely separated sections of the State, and the disorganization so largely prevalent, render a division of the State essential to the proper well-being of the people thereof, and the re-establishment of law and order;

Therefore, be it resolved:

1. That in the opinion of this Convention, the State of Texas ought to be subdivided into States of more convenient size.

2. That the President of this Convention is hereby directed to forward a copy of this preamble and resolution to the Speaker of the House of Representatives and President of the Senate of the United States.

3. That for the purpose of giving the Congress of the United States a correct report of the condition of this State, and to bring to the attention of that body all such matters relating to the condition of the State, and the wants of her loyal people, as may require the consideration and action of Congress, the Convention shall proceed to elect, by ballot, four commissioners, members of this Convention: one of whom shall be a resident of that portion of Texas lying north of the 32d parallel of latitude; one a resident of that portion of the State lying east of the Trinity river and south of said 32d parallel; one a resident of that portion of the State lying between the Trinity and Colorado rivers, and south of said 32d parallel; and one a resident of that portion of the State lying west of the Colorado river, and two commissioners from the State at large; who, being intimately acquainted with the condition and wants of their respective sections of the State, shall proceed to Washington city, to bring to the attention of the United States all such matters relating to the condition of this State, and the wants of her loyal people, as in the judgment of this Convention, or of said commissioners, require the consideration and action of Congress.

Passed January 20, 1869.

DECLARATION

Incorporating the Rock Creek Bridge and Turnpike Company.

Be it declared by the people of Texas in Convention assembled, That Mrs. W. E. Weaver, her associates and assigns, are hereby created a body corporate and politic, with the rights and privileges hereinafter set forth.

The said Mrs. W. E. Weaver, her associates and assigns, shall have a privilege of constructing a bridge across Rock Creek, in Hopkins county, at the crossing three miles east of Sulphur Springs, and on the road leading towards Jefferson, Texas; also, the privilege of constructing bridges over the sloughs across said road, also the privilege of levying the bottom of said stream, so as to make the road safe and easy to pass over at all stages of the water.

Be it further declared, That said Mrs. Weaver, her associates and assigns, shall have six months from the passage of this declaration, to build and complete the work contemplated by this declaration; and when the work is completed, it shall be the duty of the county judge, and two or more of the county commissioners, to examine the work and road, and if found in good condition, and extending from hill to hill, over the whole of the bottom of said Rock Creek, a distance of about four hundred yards, and done in accordance with this declaration; then they shall certify the facts under their hands and the seal of the county court, and deliver the same to the said Mrs. W. E. Weaver.

Be it further declared, That said Mrs. Weaver, or assigns, with sureties, shall enter into bond in the sum of two thousand dollars, payable to the county judge of Hopkins county, conditioned to pay all damages any person or persons may sustain in crossing over said road and bridge, by reason of said bridge and road being out of repair; and the said bond may be put in suit by any person who has been damaged as aforesaid; said bond to be approved by the county judge, and recorded in the office of the county clerk of Hopkins county.

Be it further declared, When all the conditions hereinbefore set forth have been complied with, the said Mrs. Weaver and her associates, or assigns, shall have the privilege of erecting a toll-gate, and to collect the following tolls: for four-horse or ox wagon, fifty cents; for two-horse or ox wagon, twenty-five cents; for carriage or buggy, twenty five cents; for man and horse, ten cents; for loose horses, per head, three cents; for cattle, per head, three cents; for hogs, sheep, or goats, two cents; for footmen, five cents; provided, that

said Mrs. Weaver and her associates shall not have the right to charge citizens of Hopkins county any tolls for passing over said bridge.

Be it further declared, That the exclusive privilege of said road shall extend three miles on either side of said turnpike, and no crossing shall be made on said creek within said limits, without the consent of Mrs. Weaver, her associates, or assigns.

Be it further declared, That the privileges herein granted shall continue for twenty years from the completion of the work herein contemplated.

Be it further declared, That this declaration be in force from and after its passage.

Passed January 23, 1868.

DECLARATION

Incorporating the Ship Channel Company from Bolivar Point to Houston.

SECTION 1. Be it declared by the people of Texas in Convention assembled, That A. S. Richardson, W. J. Hutchins, T. H. Mundine, John Shearn, T. W. House, R. O. Love, W. M. Rice, A. Groesbeck, J R. Morris, H. R. Allen, S. Harper, and their associates be, and the same are hereby created a body corporate and politic under the name and style of the "Buffalo Bayou Ship Channel Company," with authority in said corporate name and capacity to contract, sue and be sued; to plead and be impleaded; to acquire real and personal property by gift or purchase; and to sell, grant, mortgage or alienate the same; to borrow money and to issue its bonds, with interest warrants attached thereto; to make by-laws for its own government; to have succession and a common seal; and generally to do and perform all such acts and things as may be necessary to, proper for, or incidental to the carrying out of its obligations; the maintenance of its rights and privileges; and the accomplishment of the objects of the company in accordance with this declaration, and not inconsistent with the Constitution and laws of the State of Texas.

SEC. 2. That said company are herein authorized to form, construct, own and maintain a ship channel from any point at or within the corporate limits of the city of Houston, through Buffalo Bayou, deepening, straightening and widening the same, and through the waters connecting said Buffalo Bayou with the Gulf of Mexico at Bolivar Channel, deepening and removing the obstructions thereof,

to the said Gulf of Mexico at Bolivar Channel, (including the construction of all locks, gates or dams that may be requisite,) so as to make said ship channel of such continuous depth, width and extent as may be essential for the purposes of foreign and domestic trade and commerce, and to build, own and possess such ship basins within or near the corporate limits of the city of Houston, in such numbers, depth, and capacity as may be requisite for the purposes of the company, with all slips, wharves, docks, buildings, and machinery necessary or in any wise pertaining thereto; and the said company are furthermore authorized to build, construct and possess such steamboats, tugboats, dredgeboats, barges, tools, machinery and buildings, or any other property, of any and every kind whatever, as may be necessary to, convenient for, or adapted to the prosecution, management and accomplishment of this declaration, and the purposes of foreign and domestic commerce.

SEC. 3. That said company, in order to accomplish the purposes above specified, are hereby empowered to perform such dredging and make such excavations, enlarge such streams and deepen such channels; cut off such bends and remove such obstructions in Buffalo Bayou and the bays and waters connecting Buffalo Bayou with the Gulf of Mexico at Bolivar Channel, as may seem desirable and necessary to build said ship basins, and construct said ship channel; and it shall be lawful for said company to appropriate and use such lands in the several bayous, streams, gulfs, and waters, or on the banks thereof, or lying contiguous thereto, as may be requisite for the specific purposes of this declaration; making compensation to the several owners thereof as may be agreed upon by the parties and the company; and if unable to agree, then, in accordance with the general railroad laws of the State, and as provided therein, whenever so using or appropriating said lands.

SEC. 4. That the capital stock of said company shall be one million dollars, with the privilege of increasing the same to ten millions of dollars, (including all its property, real and personal, franchises and rights to property,) to be divided into shares of one hundred dollars each. Five per cent. to be paid at the time of subscription, and the remainder in instalments of five per cent., as often as it may be called for, after giving thirty days' notice of said call in some newspaper published in the city of Houston. Such subscriptions, upon failure of the payment thereof, may be enforced by said company in any court having jurisdiction in the State; or may be sold at public auction, after twenty days' public notice given; the delinquent being liable in the full amount for all deficencies between the amount so received at the sale thereof and the unpaid balance on his subscription, and for all proper charges and interest thereon. Said

shares of capital stock shall be deemed personal property, and be transferable under such rules and regulations as may be provided for in the by-laws of the company. Nevertheless, the board of directors shall have authority to dispose of the shares in its capital stock, in such manner and on such terms as they may deem most conducive to the interests of the company, and the fulfilment of the objects of this declaration; and shall be furthermore authorized to commence operations whenever five hundred shares shall have been taken.

SEC. 5. That the company may receive in payment for its shares, the work of contractors done, hire of agents, laborers and employes, materials or machinery furnished in constructing the enterprise, city or town lots, houses, lands, and real or personal property of any kind whatever, bonds of the city of Houston, or any other corporate city or town, or of any county within the limits of the State, and such corporate city, or town, or county, is hereby authorized to subscribe for said stock and issue its bonds for the same. Said property so subscribed shall be at such valuation as may be determined upon between the parties and the company. Each share shall be entitled to one vote either in person or by proxy, and all dividends shall be paid at the principal office in the city of Houston, but no dividend shall at any time be declared impairing the capital stock.

SEC. 6. The management of the said company shall be confided to a board of nine directors, to be elected annually by the stockholders. For the purposes of organization and commencement of the enterprise, the corporators named in the first section of this declaration, shall constitute the first board of directors, to serve one year, until their successors are duly elected. The board of directors, when duly constituted, shall elect their own officers at their first meeting, and shall have authority to fill any vacancies that may arise in the board from death, resignation or otherwise, during the intervals between the regular election by the stockholders. Said board, (five of whom shall form a quorum,) shall manage and control the business affairs and property of the company, and shall keep, or cause to be kept, full and accurate records of the transactions of the company, of all receipts and expenditures made, of all property real or personal, held, received or transferred, and shall cause such records, or a synopsis of the same, to be published in pamphlet form once a year, and a copy thereof to be distributed to each and every stockholder.

SEC. 7. That said company, upon the completion of said ship channel so as to be navigable from Bolivar Channel to the city of Houston for vessels drawing nine feet of water, as provided in this declaration, shall be entitled to receive, and shall receive from the

State of Texas, such grants of lands per mile as are now, or may hereafter be conferred upon any railroad under any general law of the State.

SEC. 8. That whenever said company shall have made said ship channel navigable for vessels drawing nine feet of water, they shall then be authorized to impose and collect of all vessels passing through said ship channel, or any part thereof, or discharging at its wharves, such tolls and wharfage as they may deem proper; the toll, however, not to exceed ten cents per ton of the measurement of any vessel passing through Red Fish bar; and ten cents per ton additional of any vessel passing through Clopper's bar, and such additional rate per ton of any vessel stopping at the several points of landing between Clopper's bar and the city of Houston, as they may deem proper; not in any case whatever to exceed in the whole amount of toll collected thirty cents per ton each way, and including therein the toll paid at Red Fish and Clopper's bars and other points of landing. And should the city of Houston cede, transfer, lease or grant to said company, its rights and privileges of imposing and collecting toll and wharfage of all vessels navigating Buffalo Bayou, within its corporate limits, then said company are empowered to impose and collect such rates of toll and wharfage as they may determine upon; the toll, however, not in any case to exceed in the whole amount, and including all tolls collected, fifty cents each way per ton of the measurement of any vessel.

SEC. 9. That if any person or persons shall wilfully and maliciously obstruct, impair, or destroy said ship channel, or ship basins, or any part thereof, or injure the property of the company, such person or persons so offending shall be punished when presented by indictment of law, and shall also be liable to action for damages by said company; or any person or persons whatsoever that may suffer injury in person or property from said obstructions, and for full amount of damages that may be occasioned thereby.

SEC. 10. That this declaration shall take effect from and after its passage, and shall remain in full force for the period of seventy years from the passage thereof.

Passed January 23, 1869.

DECLARATION

Incorporating the Jefferson Navigation Company.

Be it declared by the people of Texas, by their delegates in Convention assembled, That C. D. Morris, W. P. Williams and Geo. B. Slaughter, their associates and assigns, be and they are hereby created and established a body corporate and politic, under the name of the Jefferson Navigation Company, with authority in said corporate name to contract, to make by-laws for its government, not inconsistent with the laws of the State, to sue and be sued, to purchase and hold real and personal estate, to have a corporate seal, and generally to do and perform all such acts and things as may be necessary to carry out the objects of this declaration.

SEC. 2. The said corporation, from their own body, shall elect a President, Secretary and Treasurer, and may also have such other officers and agents as may be necessary and are common to private corporations; the duties of each officer shall be defined in the by-laws of the company. All contracts or acts of said company shall be signed by the President and countersigned by the Secretary under the seal of the company.

SEC. 3. The said corporators and their associates shall constitute a board of directors, and within sixty (60) days after the passage of this declaration shall organize and form their by-laws.

SEC. 4. Be it further declared, that it shall be the duty of said body corporate within two years from the passage of this declaration, to remove the stumps, logs and other impediments to the navigation of Big Cypress Bayou and the lakes into which said stream empties, within the limits of Texas, beginning at Jefferson, Texas, or such other point as may be most practicable, by the use of one or more dredging boats and such other machinery as may be necessary, so as to afford the free and safe navigation of said stream and lakes, so far as practicable; the said body corporate shall keep their principal office at Jefferson, Texas.

SEC. 5. Be it further declared, that it shall be the duty of the Governor of Texas, upon the application of said body corporate, to appoint a competent engineer as commissioner, to examine said Bayou and lakes and if the works of dredging and clearing said stream of obstructions to navigation are found to have been done in accordance with the provisions of this declaration, the said commissioner shall certify the fact to the Governor, and thereupon the said body corporate shall have the right to receive the following rates of

charges for all freight passing over said stream and lakes, to-wit: ten per cent. on each freight bill; provided, that upon proof being made before the Mayor and aldermen, who shall constitute a tribunal to hear and determine the same, of the city of Jefferson, that impediments are in said stream and lakes, hindering the navigation thereof; upon such proof, the said Mayor shall declare the same, and from and after such declaration the said body corporate shall not have the right to receive any charges on freight, passing over said stream; provided, that said body corporate, after the removal of obstructions and upon proof thereof before said Mayor and aldermen, that impediments have been removed, and the Mayor shall have declared said stream free from impediments to navigation, the said body corporate shall have the right, thereafter, to demand and receive the charges aforesaid.

SEC. 6. It shall be the duty of said body corporate to keep a dredging boat, for the purpose of speedily removing all obstructions to the navigation of the said bayou and lakes, and to keep said stream, so far as practicable, open for the free and safe navigation thereof, also to designate, by buoys and other marks, the channel in said lake.

SEC. 7. Be it further declared, that for the willful neglect of said body corporate to keep said stream and lakes in a safe condition for navigation, they shall be liable for all damages sustained in consequence thereof.

SEC. 8. Be it further declared, that this charter and the privileges and rights granted shall continue and be in force for the period of twenty years from and after the report of the commissioner aforesaid, and the same shall be enjoyed by the said body corporate, their heirs and assigns for the same time, unless the same is forfeited by proper action in the District Court for non-compliance with the requirements of this declaration.

SEC. 9. Be it further declared, that the said body corporate and politic, in order to effect the speedy improvement of said lakes and bayou, shall have the right to issue their bonds for not more than one hundred thousand dollars, and place them on the market; provided, the same shall be made redeemable not more than five years from the date of issuance; and, provided further, that a lien shall exist upon the real estate of the said body corporate, and the realty of each individual member thereof to secure the payment of said bonds; and provided further, that said body corporate, before issuing bonds in any amount, shall cause this declaration to be recorded in the office of the county Clerk of Marion county, Texas, which shall be notice of the lien contemplated by this section.

SEC. 10. Be it further declared, that this declaration and ordinance take effect from and after its passage.

Passed January 22, 1869.

DECLARATION

Granting the right to build a ferry across the Neeches river.

Be it declared by the people of Texas, in Convention assembled, That Benj. Brandon, a resident of Henderson county, in the State of Texas, be and he is hereby authorized to keep, maintain and run a ferry boat at a crossing on the Neeches river, on the direct line of travel from Tyler to Athens, and from Henderson county to Spring's Ferry, on the Trinity river, and to have the right to said ferry for a distance of five miles upon said river Neeches, above and below said ferry, taking the said ferry crossing at the points designated, as the center of the distance of five miles; and the said Benj. Brandon shall be authorized to collect such sums of money for ferryage or tolls as may be established by the County Court of Henderson county. Provided, That the citizens of Smith and Rusk counties shall have the privilege of crossing said river at any place during low water.

Passed January 22, 1869.

DECLARATION

Creating the county of Latimer.

SECTION 1. Be it declared by the people of Texas, in Convention assembled, That a new county be created, and to include the territory within the following boundaries, to wit: beginning at a point at the junction of Hart's Creek and Cypress Bayou, in Titus county; thence with the meanderings of said creek to the Hart's Creek bridge and turnpike; thence due north to the Sulphur fork of Red River, thence with the meanderings of said stream to a point five miles east of the northwest corner of Davis county; thence due south to the line of Marion county; thence along the line of what is now Marion and Davis counties to Cypress Bayou, and thence with the meanderings of said bayou to the place of beginning.

SEC. 2. Be it further declared, That said new county shall be

named Latimer, and the county seat shall be at the town of Dangerfield.

SEC. 3. Be it further declared, That the county of Latimer shall constitute a part of the counties from which it is taken for all purposes until a general election or appointment of county officers, and shall, for all judicial purposes, remain part of the counties of Titus and Davis, until the Legislature shall provide for holding courts in said county of Latimer.

SEC. 4. As soon as the officers of said county of Latimer are elected or appointed, it shall be the duty of the officers of said county exercising the powers of a police or county courts, to provide the public buildings and records; and for this purpose the said court is authorized to levy a special tax of not more than one-fourth of one per cent. upon all property taxable in the county. The said court may also issue its bonds for that purpose, in the sum of six thousand dollars, with interest not to exceed twelve per cent., payable semi-annually; provided the principal of said bonds shall be paid within five years from the date of issuance.

RESOLUTION

Providing that the Legislature may make an appropriation for the heirs of W. A. Smith, deceased.

Resolved, That the Legislature of the State of Texas may make an appropriation for the payment of the claim of the heirs of W. A. Smith, deceased, for services in the Blind Asylum of Texas during the rebellion, and that such claim is excepted out of the operation of section 35 of the general provisions of the Constitution framed by this Convention.

Passed January 25, 1869.

DECLARATION

Granting mileage to G. H. Slaughter, for distance actually traveled.

Be it resolved by the delegates of the people in Convention assembled, That Geo. H. Slaughter, a delegate to this Convention, shall be allowed mileage to this Convention, according to the distance actually traveled in reaching this Convention from his residence in

Smith county; that the Secretary issue a certificate therefor, and when approved by the President of this Convention, the same shall be a sufficient voucher to the Comptroller to draw his draft on the Treasurer.

Passed January 25, 1869.

RESOLUTION

Respecting absent members and the payment thereof.

Resolved, That the delegates of this Convention who obtained indefinite leave of absence prior to the adjournment of the last session of this Convention, and all who were detained from being in their seats at the opening of the present session, are entitled to their per diem as if in regular attendance, and that the Secretary of this Convention shall sign certificates therefor, which shall be approved by the President, as a voucher or vouchers to authorize the Comptroller to draw his warrant on the treasury for the amount or amounts due to said delegates.

Passed January 25, 1869.

RESOLUTION

Authorizing Hon. L. D. Evans to draw the pay of Mr. Mullins, deceased.

Resolved, That Hon. L. D. Evans is hereby authorized to draw back pay due the late Hon. W. H. Mullins, deceased, and forward the same to the widow of said deceased.

Passed January 25, 1869.

DECLARATION

To incorporate the Port Sullivan, Belton and Northwestern Railroad Company.

SECTION 1. That Thomas J. H. Anderson, F. M. Hall, Blanton Streetman, Hugh Davis, H. C. Ghent, C. G. Forshey, and Wm.

White, of Milam county; and Elisha Embree, Chamberlin F. Miller, E. S. C. Robertson and J. H. Halderman, of Bell county; and their successors and assigns, be, and they are hereby declared a body politic, with capacity to sue and be sued, to receive, hold and convey property, to contract debts and to issue their bonds, notes and other evidences of debt, and in general have all the powers, functions and immunities and privileges of a person or body corporate, under the name and style of "The Port Sullivan, Belton and Northwestern Railroad Company;" to have a president, directors and other officers, and a seal which shall represent and bind the company in their transactions.

SEC. 2. The object of the company shall be to build, own, maintain and operate a railroad from the Texas Central at or near Hearne Station, in Robertson county, by way of Port Sullivan, in Milam county, to Belton, in Bell county, and thence in a northwestward direction to the boundary of the State of Texas.

SEC. 3. The capital stock of said company shall be one million dollars, with the privilege to increase the same, at the option of the directory, to five millions, to be divided into shares of one hundred dollars each; but the company may organize on the subscription of ten thousand dollars, and the payment of five per cent. upon the same.

SEC. 4. The company shall commence operations and have surveyed to Belton, their route, and put into running order, as hereinafter provided in section 5, at least six miles of their road prior to the first day of January, A. D. 1870.

SEC. 5. The company shall have the power and authority to construct such temporary wooden railroad, with narrow guage and light cars, as may answer the present demands of trade and travel, and to use the same instead of an iron track, until the demands of commerce shall indicate the need of iron rails; and to use such horse or steam power for transportation, as the directory may choose. Provided, That they shall incur all the obligations and responsibilities of common carriers.

SEC. 6. They shall have the authority to bridge the Brazos river, and other streams on their line, without draws, and to establish ferries across streams, for their own railroad uses, and shall be authorized to charge tolls upon their bridges and ferries when used for public purposes, subject, however, to such limitations as to rates as the county courts in which they lie shall deem necessary and proper to fix.

SEC. 8. They shall be authorized, when, in the judgment of the county courts of the counties through which the main line may pass, or lie adjacent to, it may be for public interest and necessity to

build branch lines of their roads through or to such points in said counties as said courts may indicate, with same provisions as to temporary wooden tracks as above described and provided; and the said counties shall be authorized to make such appropriations to aid in the construction of said branch roads as are provided by law for the main lines, and may proceed, at the discretion of the county court, to make and pay such appropriation under the general law.

SEC. 9. Whenever the said company shall construct the iron track, according to the requirements of the general law, they shall be placed on the footing of the most favored companies as to grants of lands; the wooden track described being but temporary in its character, and to be replaced by the iron rails as early as the demands of trade and travel shall require it.

SEC. 10. This declaration shall have effect from the date of its passage.

Passed January 25, 1869.

DECLARATION

Incorporating the Liverpool and Texas Steamship Company, Limited.

Be it declared by the people of the State of Texas in Convention assembled, That T. H. McMahan, John Patton, Jr., P. N. Spofford, J. J. Vickers, Allen Lewis, L. H. DeRosset, George Taylor, M. V. McMahan and Isaac Moses, or such of them, or such other persons as may hereafter be associated with them, are hereby declared and ordained a body corporate, by the name of "The Liverpool and Texas Steamship Company, Limited," with power and authority in said corporate name to have continuous succession; to make contracts; to have and use a seal; to acquire by purchase, donation, or otherwise; and to own, manage and alienate property, real, personal and mixed; to sue and be sued; to plead and be impleaded in law and equity, in like manner, and as fullyas natural persons; to carry on, construct and manage any kind of mechanical, agricultural and commercial business incident to this declaration; to issue shares and negotiate them; and to possess generally all the powers, rights, immunities and privileges necessary to carry into effect the provisions and objects of said association.

SEC. 2. That the said company shall have the right to run a line

or lines of steamers, or other vessels, from and to any port or ports in Great Britain, to and from the State of Texas, and to and from the continent of Europe, with power to touch at any intermediate port or ports on said voyages, and with such auxiliary or connecting line or lines as may be desired to promote the interests of this corporation.

SEC. 3. That the capital stock of said company shall be two million dollars ($2,000,000), to be divided into twenty thousand shares of one hundred dollars each, to which extent the liability of each shareholder is limited, according to the number and value of shares held by him. And this corporation shall have authority to increase said capital stock to the amount of three million dollars ($3,000,000) twelve months after the organization of said company.

SEC. 4. That the affairs of said corporation shall be managed by a board of eight (8) directors, who shall be elected by the shareholders, and in such manner and under such conditions as may be prescribed by the rules of said company. The directors shall have power to choose a president from their own number, and to elect and appoint such other officers and agents as they may deem necessary to manage the affairs of said company. In all vacancies, whether arising from death, resignations, or otherwise, the directors shall have the power to make new appointments.

SEC. 5. In addition to the eight directors authorized by section 4 of this declaration, shall be ex-officio directors, the Governor and Treasurer of the State of Texas, and they shall have the right to vote on all questions relating to the affairs of the company. The president and directors of said company shall have full powers to make and adopt all such rules, regulations and by-laws as they may consider necessary to effect the objects of this incorporation, not inconsistent with this charter, or the Constitution and laws of this State, or of the United States.

SEC. 6. The president of the company, and a majority of the directors provided for in this declaration, shall be residents of the State of Texas, and the principal office of the company shall be in the city of Galveston, State of Texas.

SEC. 7. That in consideration of the many advantages to be derived by the people of the whole State of Texas from a successful and well established communication with Europe and other maritime countries, and that such enterprises as tend to the development of the State, should be placed on the same liberal basis, and be considered as pertaining to the system of internal improvements of the State, the Governor of the State of Texas is hereby authorized and required to issue, and shall issue, to the said company, the bonds of

the State of Texas to the amount of five hundred thousand dollars, ($500,000,) bearing interest at and after the rate of six (6) per cent. per annum, from the date thereof, and the said bonds shall be of the denomination of one thousand dollars ($1000) each, with coupons attached, for the payment of the semi-annual interest due thereon, and the principal of the said bonds shall be made payable thirty (30) years after the date of issue.

The said bonds shall be made payable to the said company, by its corporate name or bearer, and shall state on the face that they are issued in aid of said company, and the said bonds shall be signed by the Governor of the State, and countersigned by the Comptroller of public accounts, and they shall be delivered by the Governor to the agent of the company duly authorized to receive them, thirty days after the Governor of the State shall have received notice from the president of said company, that the company has been organized under the provisions of this declaration, and the said notification shall be accompanied by a list of the directors of said company, and a certificate from the officer of the customs of the port of Galveston, that three or more steamers have arrived under the control and management of this company, or the corporators hereinbefore recited. The bonds hereby issued to the said company, shall be prepared at their expense under the direction of the Governor of the State.

SEC. 8. That for the purpose of further assisting the said corporation in promoting the enterprise and inducing immigration to the State, there shall be, and is hereby granted to the said company, five hundred thousand acres of land, out of the unappropriated public domain of the State, as follows: Whenever five hundred emigrants shall be introduced into the State under the direction of said company, and the said company shall lay before the Governor of the State the certificate of the American consul at the port from which the vessel bringing said emigrants sailed, showing the number of emigrants said vessel sailed with, and also the certificate of the officer of customs of the port in the State of Texas where said vessel arrives, stating that said vessel has landed the number of emigrants named in the certificate of the American consul as above provided, then the Governor shall make his requisition upon the Commissioner of the Land Office, for certificates to be issued to the said company for twenty thousand acres of the public land, each certificate to be for six hundred and forty acres; and upon such requisition by the Governor, the Commissioner of the Land Office shall issue certificates to the said company, for said twenty thousand acres of land; and so upon every subsequent introduction of five hundred emigrants into the State, by the said company, and evi-

dence of the fact being laid before the Governor, he shall make his requisition upon the Commissioner of the Land Office in favor of said company for twenty thousand acres of public land; and upon such requisition, the Commissioner of the Land Office shall issue certificates to said company for twenty thousand acres of land, until in this manner the said five hundred thousand acres of land shall have been granted to the said company.

SEC. 9. Be it further declared, That the said company shall execute to the Governor of the State, thirty days after the organization of this incorporation, a bond in the sum of two hundred thousand dollars, with two or more good and sufficient securities, to be approved by the Governor, conditioned that the line of steam vessels contemplated by this declaration, shall be maintained to ply between a port or ports of Texas and a port or ports of Europe, for a period of five years from the date of the execution and delivery of said bonds; and provided further, that the obligors in said bond of two hundred thousand dollars shall be responsible for the payment of the same out of their individual estates; and provided further, that the said bond shall be conditioned that the said company shall introduce into the State at least twelve thousand five hundred emigrants from Europe, within five years from the date of the execution and delivery of said bond; and provided further, that said bond shall be conditioned that at least one-fifth of the whole amount of emigrants introduced shall be adult males.

SEC. 10. That should said company, under the provisions of this charter, at any time introduce paupers or convicts, knowing them to be such, they shall be answerable to the State for the same, and upon an information duly and legally filed by the District Attorney, in a court of competent jurisdiction, they shall, upon conviction, be fined in a sum not less than one thousand dollars, nor more than five thousand dollars, for each and every such violation.

SEC. 11. That the president of the company shall furnish to the Governor of the State, on the first day of July, in every year, or so soon thereafter as possible, full and authentic accounts of the number of vessels employed by the company, their tonnage, the value, and kinds of goods and produce imported and exported; the number of immigrants, with their names, ages, professions and nationalities, and all and every other information that may be of service to the State.

SEC. 12. That this declaration shall have force and effect from and after its passage.

Passed January 25, 1869.

DECLARATION

Incorporating the Austin Bridge Company.

SECTION 1. Be it declared by this Convention, That John R. Billingsly, M. A. Taylor, O. H. Millican, Dewitt C. Brown, R. N. Lane, J. M. Swisher and W. L. Chalmers, and such other persons as they may associate with them, are hereby declared to be a body corporate and politic, to be named and styled the "Austin City Bridge Company," and under such name may sue and be sued, plead and be impleaded, in all the courts of this State, and shall have, own and use a corporate seal, and shall have succession for a term of fifty years, and shall have the right to own, hold and use property, real and personal, for the purpose hereinafter set out to the extent of two hundred thousand dollars, ($200,000.)

SEC. 2. That said "Austin City Bridge Company," shall have the right and hereby empowered and authorized to erect and construct a permanent, safe, first-class, iron pier, wood or wire suspension bridge across the Colorado river, opposite the city limits of the city of Austin, State of Texas.

SEC. 3. That said company shall commence the construction of said bridge on or before the 1st day of January, A. D. 1870, and shall complete the same within two years from the commencement thereof; and from and after the completion of said bridge the said company shall cross and pass over all manner of property and passengers offered; and shall keep said bridge in good order and in safe condition for crossing, and keep said bridge open for crossing both night and day, and shall be responsible for all losses, injuries or damages to property or persons, as common carriers, at common law.

SEC. 4. That said company, after the completion of their bridge, shall have the right to charge, demand and receive from all persons passing over said bridge, either person or property, the following rates of toll or pay, to-wit: For each four-wheeled wagon drawn by two horses, mules or oxen, fifty cents, and five cents additional for each additional horse, mule or oxen attached to such wagon or vehicle; for each buggy, cart, gig or other vehicle drawn by a single horse, mule or ox, twenty-five cents; for each man and horse ten cents; for each led or loose horse or ox, five cents; for stock horses and stock cattle per head, three cents; for sheep, goats and hogs two cents per head, and all other kinds and species of property not herein provided for, shall be charged rates in due proportion to the above.

SEC. 5. That said company shall have the right and they are hereby authorized to acquire by purchase or otherwise, any and all ferry franchises and privileges now held by persons over or across the said Colorado river opposite the said city limits of Austin city; and no person or company, from and after the passage hereof, shall have the right to build any bridge, or erect any ferry across said Colorado river, opposite the city limits of the city of Austin, or within one mile up and down said Colorado river below and above the said city limits of Austin city; provided, that nothing herein contained shall prohibit any railroad company from erecting a bridge for a railroad track.

SEC. 6. That the aforesaid corporators shall proceed upon the passage hereof to open books in the city of Austin, for subscriptions to the capital stock, which capital stock shall be at least fifty thousand dollars, divided into shares of one hundred dollars each; and as soon as said fifty thousand dollars shall have been subscribed, the corporators shall call a meeting of the said stockholders, and at such meeting, shall proceed to elect a president, secretary and three directors, whose duty it shall be to control and direct the affairs of said corporation, and they shall have the power to make all necessary rules and regulations for the conduct of said corporation, and said president, secretary and directors shall hold office for one year and until their successors are duly chosen by the stockholders.

This declaration to take effect from and after its passage.

Passed January 25th, 1869.

DECLARATION

In relation to Corpus Christi Ship Channel.

SECTION 1. Be it declared by the people of Texas in Convention assembled, That an act entitled "An Act Supplementary to an Act to Incorporate the City of Corpus Christi," approved February 16, 1852, approved February 13, 1854, and that an act to donate public lands to certain parties therein named, for the improvement of the channel between Corpus Christi and Aransas Pass, approved August 22, 1856, be and the same are hereby re-enacted, ordained and declared to be valid, and in full force and effect.

SEC. 2. That a certain ordinance passed by the Mayor and Board of Aldermen of the city of Corpus Christi, on the 15th day of April, A. D. 1858, entering into a contract with Dean S. How-

ard & Co., to dig and construct a ship channel from Corpus Christi to Aransas bay, across the mud flats, be and the same is hereby declared to be legal, valid, and of binding force on said city and said Dean S. Howard & Co., and their assigns; and that said John M. Moore, assignee of J. W. Vineyard, and agent and contractor of the city of Corpus Christi for the completion of said channel, be and he is hereby confirmed in all the rights, privileges, immunities and franchises heretofore conferred upon said Dean S. Howard & Co., and said J. W. Vineyard and his assigns, by the Legislature of the State of Texas, in the different acts relating to said ship channel; and the proceedings of the Mayor and Board of Aldermen of the city of Corpus Christi at any time passed relating thereto; and that said John M. Moore, his heirs, assigns, or legal representatives, shall have a reasonable time for the completion of said channel, in accordance with the provisions of the charter and supplementary acts herein referred to; that is to say, at least two years from the date and passage of this declaration.

SEC. 3. That the city bonds of the said city of Corpus Christi, issued by Ruben Holbien, acting Mayor of said city, in the year 1858, to said D. S. Howard & Co., for the payment of which the revenues arising from said ship channel are pledged, and which said bonds were transferred to J. W. Vineyard, and by said J. W. Vineyard to said J. M. Moore, be and the same is a good, valid and subsisting lien on the revenues arising from said channel; but the said city of Corpus Christi shall in no event be considered as responsible for these bonds; and that the transfers and assignment of said bonds are valid, and vest all the rights and privileges of the said Dean S. Howard & Co., and said J. W. Vineyard, in said John M. Moore and his assigns.

SEC. 4. That for the payment of said bonds and the further costs of constructing said ship channel, if any there be, that the said John M. Moore and his assigns are hereby authorized, empowered and required to proceed to the collection of tolls on all steamships, steamboats, sail vessels and water crafts of every description, passing through or using any part of said channel, at rates not to exceed five cents per barrel of freight carried by said steamships, steamboats, sail vessels and water crafts, as provided for and expressed in the charter and supplementary acts hereto referred to. And any steamship, steamboat, sail vessel, or water craft, using said channel and refusing to pay for the same, as herein provided and expressed, shall pay double the amount of toll herein mentioned, to be recovered before any court of competent jurisdiction; and the owner or owners of said channel shall have a lien on every such steamship, steamboat, sail vessel, or other water craft, using said channel, until

said toll is paid, and may enforce his claim therefor, as aforesaid, in any court of competent jurisdiction; and it shall only be necessary, before taking judgment against said vessel or water craft, and the owners thereof, to serve the captain, master, or person in charge of said vessel or water craft with the ordinary process issued in civil causes by the court having jurisdiction of claims of a similar amount; provided, however, that no tolls shall be collected unless said channel is kept in good condition, and at least five feet deep at ordinary tides; provided further, that after two years from the passage of this declaration no tolls shall be collected, unless said channel is at least eight feet deep at ordinary tides.

SEC. 5. That from and after the completion of said channel to a depth of eight feet, and a width of one hundred feet, and the conditions and provisions of an act entitled "An Act to Donate Lands to certain persons therein mentioned, for the Improvement of the Channel between Corpus Christi and Aransas Pass," approved August 22, 1856, have been complied with, that the said John M. Moore and his assigns be and are hereby authorized to demand and receive the lands from the State of Texas which were authorized to be given by said act last referred to, as soon as said channel should be completed to the depth of eight feet, and one hundred feet wide.

SEC. 6. That this declaration shall take effect and be in force from and after its passage.

Passed January 26, 1869.

DECLARATION

Making an appropriation for the printing and contingent expenses of the Convention.

Be it declared by the people of Texas, in Convention assembled, That the sum of six thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the printing and contingent expenses of the Convention, and that the certificate of the Secretary of the Convention, approved by the President thereof, shall be a sufficient voucher for the Comptroller to draw his warrant on the Treasurer for the various amounts intended to be covered by this appropriation.

Passed January 30, 1869.

DECLARATION

Making an appropriation for mileage and per diem pay of the members, and the per diem pay of the employes of the Convention, and appropriating other sums for purposes specified herein.

Be it declared by the people of Texas, in Convention assembled, That the sum of twenty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to pay the mileage and per diem pay of the members of the Convention, and the per diem pay of the officers and employes of the Convention.

And there is hereby also appropriated six thousand dollars to defray the expenses of the committee appointed under resolutions of the Convention to proceed to Washington, and one hundred and fifty-three dollars to pay deficit of expenses of M. C. Hamilton, and one hundred dollars for same purpose to C. Caldwell, former delegates to Washington from this Convention.

SEC. 2. Be it further declared, That the certificate of the Secretary of the Convention, approved by the President thereof, shall be a sufficient voucher for the Comptroller to draw his warrant upon the Treasurer for the amounts, for the payment of which this appropriation is made.

Passed January 30, 1869.

RESOLUTION

Authorizing Enrolling Clerk to employ one or more assistants.

WHEREAS, The Enrolling Clerk of this Convention has, besides the enrolling of the Constitution, now nearly completed, a great amount of legislative matter to enroll; and

Whereas, Said duties are so arduous that one or more assistant clerks are imperatively necessary.

Therefore be it resolved, That the Enrolling Clerk be, and is hereby authorized and empowered to employ one or more assistants, in the further discharge of his duties, at the compensation of four dollars per day; and that the Secretary's certificate and the President's approval thereof shall be a sufficient voucher for the Comptroller to pay the same.

Passed February 3, 1869.

RESOLUTION

Appropriating one hundred dollars to defray expenses of publishing Constitution.

WHEREAS, The appropriation made by this Convention to pay for the publication of the Engrossed Constitution is not sufficient;

'Be it resolved, That an additional sum of one hundred dollars be appropriated out of any moneys in the treasury not otherwise appropriated, to pay the editor of the Texas Vindicator, for the publication of five thousand copies of the Engrossed Constitution.

Passed February 3, 1869.

RESOLUTION

Authorizing the Engrossing Clerk to employ such assistants as he may require.

Resolved, That the Engrossing Clerk be authorized to employ such assistance as may be necessary to enable him to complete the engrossment of the work before him; and that each of his assistants be entitled to four dollars per diem for their services.

Passed February 5, 1869.

STATE DEPARTMENT,
Austin, Texas, March 25, 1870.

I CERTIFY that the within is a true copy from the originals on file in this office, of the Ordinances, Declarations and Resolutions, passed by the Reconstruction Convention of the State of Texas, which assembled at Austin, on June 1, 1868.

GIVEN under my hand and official Seal, the day and date above written.

JAMES PEARSON NEWCOMB,
Secretary of State.

INDEX.

A.

PAGE.

Absent members, respecting pay of..... 112

Alexander, W., Attorney General of Texas, report of, to be printed..... 10

Amending declaration appropriating one hundred and twenty-five thousand dollars for pay of members and officers of Convention..... 9

Annotated Constitution of United States, (Paschal's.)..... 5

Appropriating one hundred and twenty-five thousand dollars for pay of members of Convention and officers..... 3

Appropriating twenty-five thousand dollars for apprehension of desperadoes..... 11

Appropriating fifteen thousand dollars to pay civil officers.... 12

Appropriating two hundred dollars to frame portrait of General Sam Houston..... 12

Appropriating four hundred dollars to pay expenses of Committee on Penitentiary..... 13

Appropriating six thousand dollars for printing..... 14

Appropriating five hundred dollars for arrest of attempted assassins of Judge Cooley..... 17

Appropriating five hundred dollars to pay telegrams..... 17

PAGE.

Appropriating fifteen thousand dollars for pay of provisional officers 19

Appropriating twenty-five thousand dollars to defray expenses of Convention 26

Appropriating fifty thousand dollars for pay of members and officers of Convention 50

Appropriating three thousand two hundred dollars for publishing Constitution 51

Appropriating fifteen thousand dollars to pay contingent expenses 57

Appropriating four hundred dollars for pay of Houston Union. 60

Appropriation for heirs of W. A. Smith, Legislature may make 111

Appropriating twenty thousand dollars for pay of members, and per diem pay of employes 122

Asking Congress to invest the Convention with certain powers 3

Asylums, propriety of admitting indigent persons 32

Authorizing the publication of the debates of the Convention.. 9

Austin Daily Republican, one thousand copies of, ordered 16

Austin Bridge Company, incorporation of 112

B.

Belleville, Hempstead and Brazos Bridge Company, incorporating 19

Belton Bridge Company, incorporation of 63

Blind Asylum, requesting appropriation for 27

Bolivar Point, East Texas and Red River Railroad Company, incorporation of 64

PAGE.
Bond, not to be required of the State in any pending suit..... 15

Buffalo Bayou Ship Channel Company, incorporation of..... 104

C.

Caldwell, C., selected to proceed to Washington upon certain matters..... 15

Canby, Major-General, congratulatory of appointment of..... 66

Central Railroad company, funding debt of..... 46

Central Railroad company, declaration for relief of..... 59

Certain officers to occupy seats upon floor of House..... 5

Civil officers, fifteen thousand dollars appropriated to pay..... 12

Clerks, Engrossing and Enrolling to assist Secretary..... 10

Cooley, Judge, reward for attempted assassins of..... 17

Columbus, San Antonio and Rio Grande railroad, extending grants of..... 44

Congress of United States requested to appoint committee to inquire into condition of State..... 18

Continuing charter of Union Marine and Fire Insurance Company..... 58

Contingent expenses, fifteen thousand dollars to pay..... 57

Contingent expenses, six thousand dollars appropriated for printing..... 121

Committee on Penitentiary to proceed to Huntsville..... 5

Committee on Political and Legislative to employ a clerk.... 7

Committee on Penitentiary to inquire into the laws under which convicts are held..... 8

PAGE.

Commanding General, requesting his approval to declaration providing for pay of members and officers of Convention... 9

Committee to remain in session during recess..... 39

Constitution, publication of, so far as completed..... 43

Constitution, three thousand two hundred dollars appropriated for publishing of..... 51

Constitution, Special Committee on Revision to employ a clerk..... 75

Constitution, appropriating one hundred dollars for publishing of..... 123

County of Webster, declaration creating..... 48

County of Delta, declaration creating..... 49

County of Richland, declaration creating..... 50

County Courts, to levy special tax..... 76

Convention asking Congress to invest it with certain powers.. 3

Convention, per diem pay of delegates and officers..... 3

Convention, rules governing, amended..... 11

Convention, journals of to be transcribed..... 21

Convention, special tax to pay expenses of..... 40

Convention, fifty thousand dollars appropriated for pay of 50

Convention, thanks to Major General Reynolds..... 57

Convention, opinion of, respecting the division of the State... 102

Copying Clerk, Secretary to pay..... 43

Corpus Christi Ship Channel, in relation to..... 119

PAGE.

Criminals, resolution offering reward for arrest of, referred to Major General Reynolds..... 19

D.

Debates of Convention, contract for publishing of..... 9

Desperadoes, twenty-five thousand dollars appropriated for arrest of..... 11

Division of the State, expression of opinion of the Convention thereon..... 102

DECLARATIONS.

Fixing the per diem pay of members and officers of Convention..... 3

Amendatory of declaration appropriating one hundred and twenty-four thousand dollars to pay members and officers of Convention..... 9

Providing that no bond shall be required of the State in any suit pending, or which may be hereafter instituted..... 15

Incorporating Bellville, Hempstead and Brazos Bridge Company..... 19

Requesting Congress to pass International Railroad Bill..... 21

Incorporating Houston City Railroad Company..... 22

Authorizing Secretary of Convention to pay F. Slaughter, page..... 25

Requesting an appropriation of twenty-five thousand dollars.. 26

PAGE.

Asking relinquishment of *ad valorem* tax of Jefferson county for 1868 27

Incorporating Jefferson, Marshal and Big Cypress Bayou Bridge Company 28

Declaring acts of Tenth and Eleventh Legislature repealed ... 29

For relief of heirs of Sam. Houston, deceased 29

Requesting Commanding General to relinquish State tax of Montgomery county for 1867 and 1868 30

Authorizing Governor to lease State Penitentiary 30

Granting bounty to soldiers of the United States 33

Respecting Houston Tap Railroad 35

Respecting Texas and New Orleans Railroad and Pacific Railroad 36

Levying a special tax for pay of Convention 40

Authorizing Governor to invest School Fund in United States Bonds 41

Incorporating Navasota and Brazos Bridge Company 41

Granting an extension of time for the completion of the Mexican and Gulf Railroad Company 42

Authorizing the publication of Constitution as far as completed 43

Extending the privileges of the Columbus, San Antonio and Rio Grande Railroad 44

Granting lands within the reserve of the Memphis and El Paso Railroad Company to actual settlers, and to purchasers of land 45

Respecting the Central Railroad Company 46

PAGE.

Creating County of Webster 48

Creating County of Delta 49

Creating County of Richland 50

Appropriating $50,000 for pay of members and employes of Convention 50

Authorizing the payment of newspaper proprietors for publishing Constitution 51

Authorizing the levying and collecting of a special tax in Falls and McLennan counties 51

Incorporating the East Texas Agricultural and Mechanical Association 54

Increasing per diem pay of President of the Convention 56

Appropriating fifteen thousand dollars to pay expenses of the Convention 57

Continuing charter of Union Marine and Fire Insurance Company 58

Reviving act incorporating the Galveston Dry Dock Company 59

For relief of Texas Central Railway Company 59

Supplemental to Declaration in relation to International Pacific Railroad Company 61

To incorporate Belton Bridge Company 63

Incorporating Bolivar Point, East Texas and Red River Railroad Company 64

Creating County of San Jacinto 66

To incorporate the Galveston Canal Company 68

Incorporating the Phœnix Transportation Company 70

PAGE.

In regard to valid Land Certificates..... 73

Police Courts of Hays and Goliad counties to levy a special tax to build Court Houses..... 73

To incorporate the Young Men's Real Estate Company..... 74

Attaching part of Guadalupe county to Wilson county and changing the name of Wilson county to "Cibolo."..... 75

For relief of Eastern Texas Railroad Company..... 75

Authorizing the County Court to levy special tax..... 76

Authorizing the Police Court of Houston county to levy a special tax..... 76

For relief of Southern Pacific Railroad..... 77

Changing the county seat of Refugio county..... 78

To incorporate the Texas Mutual Life Insurance Company... 79

In relation to the New Orleans, Mobile and Chattanooga Railroad Company..... 83

Incoporating the Rock Creek Bridge and Turnpike Company 103

Incorporating the Ship Channel Company from Bolivar Point to Houston..... 104

Incorporating the Jefferson Navigation Company..... 108

Granting the right to build a Ferry across the Neches river.. 110

Creating the county of Lamar..... 110

Granting mileage to G. W. Slaughter for actual distance traveled..... 111

To incorporate the Port Sullivan, Belton and Northwestern Railroad Company..... 112

PAGE.

Incorporating the Liverpool and Texas Steamship Company limited 114

Incorporating the Austin Bridge Company 118

In relation to Corpus Christi Ship Channel 119

Making an appropriation for the printing and contingent expenses of the Convention 121

Making an appropriation for mileage and per diem pay of members and employes of Convention, and appropriating other sums for purposes specified 122

E.

East Texas Agricultural and Mechanical Association, incorporation of 54

Eastern Texas Railroad Company, relief of 75

Education, report of Superintendent, five hundred copies to be printed 6

Engrossing Clerk to employ assistants 123

Engrossing and Enrolling Clerks to assist Secretary 10

Enrolling Clerk to employ one or more assistants 122

Evans, L. D. authorized to draw pay of W. H. Mullins, deceased delegate 112

F.

Falls and McLennan counties, special tax in for certain purposes 51

Fixing the per diem pay of members and officers of the Convention 3

PAGE.

Flake, F. tendering thanks to..... 6

Funding debt of Central Railroad Company..... 46

G.

Galveston Canal Company, incorporation of..... 68

Galveston Dry Dock Company, reviving the act incorporating 59

Goliad county, authorizing police courts to levy tax for building courthouse..... 73

Governor to invest school fund in United States bonds..... 41

Guadalupe county, attaching parts of Wilson county thereto.. 75

H.

Hamilton, M. C., selected to proceed to Washington upon certain matters..... 15

Hays county, authorizing police courts to levy tax for building courthouse..... 73

Hart, Martin D. respecting murder of..... 33

Horne, W. E. per diem pay of..... 18

Houston City Railroad Company, incorporation of..... 22

Houston Tap Railroad, sale of..... 35

Houston, General Sam. two hundred dollars appropriated to frame portrait of..... 12

Houston, Sam. relief of the heirs of..... 29

Houston Union, for pay of..... 60

PAGE.
Houston Telegraph, requesting arrest of editor of..... 16

Houston county, police court of to levy special tax..... 76

I.

Increasing per diem of President of the Convention..... 56

Indians, resolution respecting..... 67

Indian invasion, requesting Congress to call into service one regiment of Texas cavalry to repel..... 60

Indigent persons, special committee to enquire into propriety of admittance into the State asylums..... 32

International Railroad bill, requesting Congress to pass..... 21

International Pacific Railroad Company, supplemental declaration thereto..... 61

J.

Jefferson Navigation Company, incorporation of..... 108

Jefferson county, asking the relinquishment of ad valorem tax for 1868..... 27

Jefferson, Marshall and Big Cypress Bayou Bridge Company, incorporation of..... 28

Journal of Convention to be transcribed..... 21

Judicial district for the creation of out of the twenty-second and fifteenth districts..... 25

K.

Koontz, Henry, land certificate of..... 68

PAGE.

L.

Land certificates, in regard to..... 73

Latimer county, creating of..... 110

Legislatures, tenth and eleventh, declaring certain acts repealed 29

Liverpool and Texas Steamship Company, incorporation of.... 114

M.

Millican, riot at, committee to investigate..... 16

Memphis and El Paso Railroad Company, granting its reservation to settlement and location by genuine land certificates.. 45

Mexican and Gulf Railroad Company, granting an extension of time for completion of second twenty-five miles..... 42

Montgomery county, requesting Commanding General to relinquish State tax for 1867 and 1868..... 30

N.

Navasota, Washington and Brazos Bridge Company, incorporating of..... 41

Neeches river, to build ferry across..... 110

New Orleans, Mobile and Chattanooga Railroad Company, incorporation of..... 83

Newspapers, Secretary to order two thousand copies of..... 5

Newspapers, in relation thereto..... 56

Newspapers, Constitution to be published in those specified... 43

PAGE.

P.

Paschal's Annotated Digest, furnishing of..... 4

Paschal's Annotated Constitution of United States, for purchase of five hundred copies..... 5

Pay of officers and members of Convention..... 3

Penitentiary, Committee on, to proceed to Huntsville..... 7

Penitentiary, authorizing Governor to lease..... 30

Permitting certain officers to occupy seats on floor of House.. 6

Per diem pay of delegates and officers of Convention..... 3

Per diem granted to Messrs. Vaughan and Posey..... 58

Phœnix Transportation Company, incorporation of..... 70

Political and Legislative. Committee on, to employ a clerk... 7

Port Sullivan, Belton and Northwestern Railroad Company... 112

Powers of Convention defined..... 10

President of Convention, increasing per diem of..... 56

R.

Reconstruction Acts, two hundred copies to be printed..... 4

Refugio county, changing county seat of..... 78

Report of William Alexander, Esq., four hundred copies to be printed..... 10

Report of Superintendent of Education, reading dispensed with..... 6

Requesting Commanding General to approve declaration for pay of members and officers.....

PAGE.

Reynolds, Major General J. J., requested to appoint one commissioned officer on Committee on the Millican Riots..... 18

Reynolds, Major General J. J., requested to cause estimates for year ending July 1, 1869..... 13

Reynolds, Major General J. J., requested to cause Comptroller to furnish certain statements..... 14

Reviving act incorporating the Galveston Dry Dock Company..... 59

Reynolds, Major General J. J., tendering thanks of Convention to..... 57

Rock Creek Bridge and Turnpike Company, incorporation of.. 103

Rules governing the Convention amended..... 11

RESOLUTIONS.

Urging Congress to transfer certain military powers to the Convention..... 3

For furnishing Paschal's Digest of the laws of Texas to Committees, and opening State Library to delegates..... 4

For printing two hnndred copies of the Reconstruction Laws of Congress..... 4

For the purchase of five hundred copies of Paschal's Annotated Constitution of the United States..... 5

For Special Committee to examine the administration and financial condition of the State Penitentiary..... 5

Authorizing the Secretary to order two thousand copies of certain newspapers..... 5

PAGE.

Dispensing with the reading of the report of the Superintendent of Education 6

Permitting certain officers to occupy seats upon the floor of the House 6

Tendering thanks to F. Flake, editor of the Galveston Bulletin 6

Committee on Penitentiary, or any one of them, may proceed to Huntsville 7

Empowering Committee on Political and Legislative to employ a clerk 7

Urging Congress of the United States to appoint a force in each county for the suppression of lawlessness and violence 7

Authorizing Committee on Penitentiary to enquire into laws under which convicts are held 8

Requesting Commanding General to approve appropriation of one hundred and twenty-five thousand dollars to defray expenses of Convention 9

Authorizing the publication of the debates of the Convention .. 9

Appropriating the sum of two hundred dollars for the payment of civil officers appointed by Provisional Governor A. J. Hamilton 12

Suspending the sale by police courts of school lands 13

Requesting Major General J. J. Reynolds to cause to be estimated the receipts and expenditures from Treasury, for year ending July 1, 1869 13

Appropriating four hundred dollars to pay the expenses of Committee appointed to investigate Penitentiary affairs 13

Requesting Major General J. J. Reynolds to cause Comptroller of Public Accounts to furnish certain statements 14

PAGE.

Providing for selecting M. C. Hamilton and C. Caldwell to proceed to Washington to lay certain matters before Congress.. 15

Ordering one thousand copies of Austin Republican, and five hundred copies of San Antonio Free Press..... 16

Requesting arrest of editor of Houston Telegraph..... 16

Providing for appointment of Committee to proceed to Millican to investigate riots, and appropriating five hundred dollars therefor..... 16

Appropriating five hundred dollars for the arrest of the attempted assassin of Judge Cooley..... 7

Appropriating five hundred dollars to pay telegrams..... 17

Requesting the Congress of the United States to appoint a committee to inquire into condition of the State..... 18

Requesting Major General J. J. Reynolds to appoint one or more commissioned officers on Millican riot committee..... 18

For the payment of Mr. Harn, a member of the Convention.. 18

Appropriating fifteen thousand dollars to pay officers of provisional government..... 19

Referring a resolution appropriating twenty-five thousand dollars to Major General Reynolds..... 19

Authorizing the Secretary to pay Fred Slaughter one dollar and fifty cents per day..... 20

Authorizing the transcribing the journals of the Convention... 21

Authorizing the Secretary to draw a warrant in favor of Fred Slaughter for one dollar and fifty cents per day for services.. 25

Requesting Brevet Major General Reynolds to create a Judicial District out of the Twenty-second and Fifteenth Districts.. 25

PAGE.

To appropriate a sufficient sum of money for purchase of books, etc., for the use of the Blind Asylum..... 27

For the appointment of a special committee to inquire into the propriety of admitting indigent persons into the asylums of the State..... 32

Respecting the murder of Captain Martin D. Hart..... 33

Respecting a committee to remain in session during recess, and for other purposes..... 39

Authorizing Secretary to pay copying clerk..... 43

In relation to newspapers..... 56

Tendering thanks of Convention to Major General J. J. Reynolds..... 57

Granting per diem pay to Messrs. Vaughan and Posey from the commencement of the second session..... 58

Respecting Houston Union..... 60

Requesting Congress of the United States to call into service a regiment of Texas cavalry to repel Indian invasion..... 60

Congratulatory of the appointment of General Canby to command Fifth Military District..... 66

Respecting the Indians of the frontier of Texas..... 67

Respecting land certificate of Henry Koontz..... 68

Authorizing special committee on revision of Constitution to employ a clerk..... 75

Expressing the opinion of the Convention respecting the division of the State of Texas, and for other purposes..... 102

Providing that the Legislature may make an appropriation for the heirs of W. A. Smith, deceased..... 111

PAGE.
Respecting absent members and the payment thereof..... 112

Authorizing Hon. L. D. Evans to draw the pay of Mr. Mullins, deceased..... 112

Authorizing Enrolling Clerk to employ one or more assistants. 122

Appropriating one hundred dollars to defray expenses of publishing Constitution..... 128

Authorizing the Engrossing Clerk to employ such assistants as he may require..... 128

S.

Sabine Pass, requesting Congress to make a port of entry of.. 25

San Jacinto, creating county of..... 66

School fund, to invest in United States bonds..... 41

School lands, suspending sale of, by police courts..... 13

Secretary to order two thousand copies of certain newspapers.. 5

Secretary to pay copying clerk..... 43

Secretary of Convention to subscribe for certain newspapers... 56

Suits pending, no bond to be required of the State..... 15

Slaughter, Fred, Secretary to pay..... 20

Slaughter, Fred, pay for services as page..... 25

Slaughter, G. W., granting mileage to..... 111

Soldiers, granting bounty to..... 33

Southern Pacific railroad, sale of..... 36

Southern Pacific Railroad Company, relief..... 77

PAGE.

Special tax to pay of expenses of Convention..... 40

Special tax on Falls and McLennan counties..... 51

Special committee to examine affairs of Penitentiary..... 5

State Penitentiary, special committee to examine affairs of.... 5

Suspending the sale by police courts of school lands..... 13

T.

Telegrams, five hundred dollars for payment of..... 17

Texas Mutual Life Insurance Company, incorporation of..... 79

Texas and New Orleans railroad, sale of..... 36

U.

Union Marine and Fire Insurance Company, continuing charter of..... 58

United States soldiers, bounty to..... 33

W.

Wilson county, changing name of..... 75

Y.

Young Men's Real Estate Company, incorporation of..... 74